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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 332

RIN 3206–AJ52

Recruitment and Selection Through Competitive Examination

AGENCY: Office of Personnel Management.

ACTION: Interim regulation with request for comments.

SUMMARY: The Office of Personnel Management (''OPM'') is issuing an interim regulation to allow agencies to decide how candidates are referred for competitive appointment when agencies fill multiple vacancies simultaneously. We are codifying a long-standing practice (based on 5 U.S.C. 3301 and 3302) of providing agencies with the option of either certifying a candidate for only one vacancy at a time, or certifying a candidate simultaneously for all vacancies for which that candidate expresses an interest, is eligible, and is within reach.

EFFECTIVE DATE: This regulation is effective February 15, 2002. We will consider written comments received by April 16, 2002.

ADDRESSES: Send or deliver written comments to Ellen E. Tunstall, Assistant Director for Employment Policy, U.S. Office of Personnel Management, 1900 E Street NW., Room 6551, Washington, DC 20415–9500.

FOR FURTHER INFORMATION CONTACT: Suzy M. Barker, Director, Examination and Qualifications Policy Division, on (202) 606–0830, or FAX (202) 606–0390.

SUPPLEMENTARY INFORMATION: For decades—dating back to at least the establishment of the Federal Service Entrance Examination in 1955—OPM has had the option of using two alternative methods of certifying candidates for competitive appointments. When OPM began delegating the responsibility for certification to other examining units (delegated examining units—DEUs), we provided the DEUs with these two options as well. The first option permits agencies to refer a candidate's name out on only one certificate at a time by temporarily removing the candidate from the list of eligibles while the candidate's name is out on that certificate. The second option, known as ''dual certification,'' requires that agencies simultaneously list a candidate on all certificates for which the candidate expresses an interest, is eligible, and is within reach. Under the ''dual certification'' option, there is no limit to the numbers of certificates on which a candidate can be referred simultaneously.

OPM's long-standing policy on the certification options available to agencies is discussed in detail in OPM's Delegated Examining Operations Handbook (DEOH). It derives from OPM's authority, based on delegations for the President, to ''prescribe such regulations for the admission of individuals into the civil service in the executive branch as will best promote the efficiency of that service'' (5 U.S.C. 3301(1); see also 5 U.S.C. 3302(5), requiring OPM to prescribe regulations necessary for the administration of competitive service examinations).

As described in the DEOH, in most circumstances, when filling multiple jobs either from a standing inventory or under case examining where there are multiple grade levels and/or geographic locations, an agency may invoke either of the previously-discussed options.

To illustrate the practical effect of this practice, consider that an agency has established a standing inventory for the position of Border Patrol Agent at grade levels GS–5 and 7. The inventory services the agency nationwide. Three selecting officials request a list of eligibles for a GS–5 position on the same day. The positions are in San Diego, El Paso, and Miami. Using the dual certification method, the top three candidates—who were qualified for GS–5 at all three locations—are referred to all three locations and the selecting officials would consider the same candidates. The same candidate could be selected by more than one official, both limiting the choice of the selecting official and delaying hiring.

Limiting choices and delaying hiring are never good options, especially in times such as these. Agencies have urgent needs right now in the areas of law enforcement, security, and investigative personnel. There is also a direct impact on the lists of eligibles used to fill specific positions including, but not limited to, Border Patrol Agents, U.S. Marshals, and Criminal Investigators. Other positions filled from standing inventories include, for example, Veterinary Medical Officers who work in over 6,000 food processing plants nationwide, Defense Commissary Managers throughout the world, and Internal Revenue Service Tax Examiners employed throughout the United States. All play an important part during these extraordinary times.

Providing agencies with the option of choosing either certification method has a number of advantages. Specifically, it gives agencies the means with which to:

- Use the examining system most efficiently and effectively in any given situation. Fore example, where multiple vacancies are being filled in multiple geographic locations, dual certification is often grossly inefficient. In these instances, the same candidates are referred for each vacancy and, consequently, several selecting officials often select the same candidates. Until a candidate actually accepts an offer of employment, he or she blocks the ability of the other two selecting officials to fill their vacancies, and the opportunity for other candidates to be considered. Moreover, the same scenario often occurs repeatedly as selecting officials go through their lists. The result is substantial delay, especially when filling positions in less desirable locations;
- Increase the credibility of the Federal hiring system. Agencies can ensure that their selecting officials are given bona fide candidates from which to select. On many occasions, the dual certification method does not allow agencies to provide their selecting officials with meaningful choices. Likewise, job candidates are more likely to receive timely consideration and notification regarding selection;
- Protect the Merit System Principles. These principles require, among other things, that the Federal work force be sued efficiently and effectively and that all applicants for employment receive fair and equitable treatment. Providing

agencies with a choice of certification options is in keeping with these principles;

• Improve the efficiency of the referral process for both the agency and the candidate. In certain situations, especially where several vacancies are being filled at different grade levels in different geographic locations, the dual certification process creates uncertainty as to which candidates are being considered by which selecting official for which location. Providing agencies with an option of certification procedures assists immeasurably in promoting the efficiency of the hiring process.

• Establish a mechanism through which agencies can reduce the high rate of declinations that occur because not all candidates are really interested in all the vacancies for which they may be referred. For example, when applicants for Immigration Inspector positions with the Immigration and Naturalization Service were given the opportunity to be considered for all geographic locations, nearly 80% of those individuals who were offered positions declined. On the other hand, when applicants for these positions were limited in the number of geographic locations for which they could ask to be considered, the declination rate dropped to approximately 40%;

• Meet the Federal government's primary objectives, as set forth by the President. This practice is citizen-centered, results-oriented and market-based. It gives agencies a choice of referral methods and thus an opportunity to select the method that puts the best people into vacant positions as quickly and efficiently as possible while providing job applicants with fast, fair and equitable consideration. This, in turn, allows agencies to better serve the needs of citizens; and

• Lower costs to the taxpayer significantly and lessen the burden on human resources personnel.

Recently, it was brought to our attention that OPM's regulations make so specific provision for any certification method other than referral from the top of the list of eligibles based on score. This amendment rectifies that technical deficiency, but will not otherwise change the way in which candidates have historically been rated, ranked, and considered for competitive service jobs. OPM has broad authority under the law and the Civil Service Rules to conduct open, competitive examinations. We will continue to administer an efficient, effective examining program that attempts to balance the rights of individuals and the needs of agencies so we can better serve the public.

Waiver of Notice of Proposed Rulemaking

In accordance with section 553(b)(3)(B) of title 5 of the U.S. Code, I find that good cause exists for waiving the general notice of proposed rulemaking. An opportunity for public comment prior to issuing this rule is unnecessary and contrary to the public interest. Waiving proposed regulations will help agencies continue to fill critical positions.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities (including small businesses, small organizational units, and small governmental jurisdictions) because the regulations apply only to appointment procedures for employees in Federal agencies.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects 5 CFR Part 332

Government employees.

Office of Personnel Management,

Kay Coles James,

Director.

Accordingly, OPM is amending part 332 of title 5, Code of Federal Regulations, as follows:

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

1. The authority citation for part 332 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

Subpart D—Consideration for Appointment

2. Section 332.402 is revised to read as follows:

§ 332.402 Referring candidates for appointment.

OPM or a Delegated Examining Unit (DEU) will refer candidates for consideration by simultaneously listing a candidate on all certificates for which the candidate is interested, eligible, and within reach, except that, when it is deemed in the interest of good administration and candidates have been so notified, OPM or a DEU may choose to refer candidates for only one vacancy at a time. Selecting officials will receive sufficient names, when available, to allow them to consider at least 3 candidates for each vacancy.

[FR Doc. 02–3621 Filed 2–14–02; 8:45 am]

BILLING CODE 6325–38–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

RIN 0560–AF41

Dairy Recourse Loan Program for Commercial Dairy Processors

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule removes the regulations governing the Dairy Recourse Loan Program from the Code of Federal Regulations because the program's authorizing legislation was repealed.

EFFECTIVE DATE: February 15, 2002.

FOR FURTHER INFORMATION CONTACT: Steve P. Gill, Warehouse and Inventory Division, United States Department of Agriculture (USDA), STOP 0553, 1400 Independence Avenue, SW, Washington, DC 20250–0553. E-mail: *sgill@wdc.fsa.usda.gov.* Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA TARGET Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Executive Order 12612

It has been determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among various levels of government.

Executive Order 12866

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

Executive Order 12988

The rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule do not preempt State laws and are not retroactive.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable because CCC is not required by law to publish a notice of proposed rule making with respect to the matter of this rule.

Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Federal Assistance Program

The title and number of the Federal assistance program, as found in the Catalogue of Federal Domestic Assistance, to which this rule applies is as follows:

10.051—Commodity Loans and Purchases

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart v, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The information collections associated with the Dairy Recourse Loan Program are no longer required.

Discussion of the Final Rule

Section 772 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Pub. L. 107–76) repealed section 142 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7252) (the 1996 Act), which authorized the Dairy Recourse Loan Program. This rule removes the program regulations at 7 CFR 1430, subpart C.

The Dairy Recourse Loan Program was intended to help processors manage inventories of certain dairy products and stabilize prices in the dairy industry in the absence of a price support program. Because a dairy price support program has been in operation each year since the 1996 Act was enacted, the Dairy Recourse Loan Program was never in operation. Therefore, the removal of its regulations will have no retroactive effect.

Section 161(d) of the 1996 Act provides that regulations necessary to implement Title I of the 1996 Act shall be issued without regard to the notice and comment provisions of 5 U.S.C. 553. This rule removes regulations because the program's authorizing legislation was repealed. Therefore, it is being issued as a finale rule. In addition, because this rule implements a statutory mandate, delay of this rule for rule-making, or for purposes of 5 U.S.C. 801, is unnecessary and would be contrary to the public interest.

List of Subjects in 7 CFR Part 1430, Subpart C

Appeal procedures, Butter, Cheddar cheese, Electronic loan process, Forfeitures, Nonfat dry milk, Packaging and containers, Recourse loans, Reporting and Record keeping requirements.

Accordingly, 7 CFR part 1430 is amended as follows:

PART 1430—DAIRY PRODUCTS

1. The authority citation for part 1430 continues to read as follows:

Authority: 7 U.S.C. 7252; and 15 U.S.C. 714b and 714c.

2. In part 1430, by removing and reserving subpart C.

Subpart C—[Removed and Reserved]

Signed in Washington, DC, on February 10, 2002.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 02–3795 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–05–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Loan Interest Rates

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The current 18 percent per year federal credit union loan rate is scheduled to revert to 15 percent on March 8, 2002, unless otherwise provided by the NCUA Board (Board). A 15 percent ceiling would restrict certain categories of credit and adversely affect the financial condition of a number of federal credit unions. At the same time prevailing market rates and economic conditions do not justify a rate higher than the current 18 percent ceiling. Accordingly, the Board hereby continues an 18 percent federal credit union loan rate ceiling for the period March 8, 2002 through September 8, 2003. Loans and lines of credit balances existing prior to May 18, 1987, may continue to bear their contractual rate of interest, not to exceed 21 percent. The Board is prepared to reconsider the 18 percent ceiling at any time should changes in economic conditions warrant.

DATES: Effective March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Daniel Gordon, Senior Investment Officer, telephone 703–518–6620.

SUPPLEMENTARY INFORMATION:

Background

Public Law 96–221, enacted in 1980, raised the loan interest rate ceiling for federal credit unions from one percent per month (12 percent per year) to 15 percent per year. It also authorized the Board to set a higher limit, after consulting with Congress, the Department of Treasury and other federal financial agencies, for a period not to exceed 18 months, if the Board determined that: (1) Money market interest rates have risen over the preceding six months; and (2) prevailing interest rate levels threaten the safety and soundness of individual credit unions as evidenced by adverse trends in growth, liquidity, capital, and earnings.

On December 3, 1980, the Board determined that the foregoing conditions had been met. Accordingly, the Board raised the loan ceiling for nine months to 21 percent. In the unstable environment of the first half of the 1980s, the Board lowered the loan rate ceiling from 21 percent to 18 percent, effective May 18, 1987. This action was taken in an environment of falling market interest rates from 1980 to early 1987. The ceiling has remained at 18 percent to the present.

The Board believes that the 18 percent ceiling will permit credit unions to continue to meet their current lending programs and permit flexibility so that credit unions can react to any adverse economic developments.

The Board would prefer not to set loan interest rate ceilings for federal credit unions. Credit unions are cooperatives and balance loan and share rates consistent with the needs of their members and prevailing market interest rates. The Board supports free lending markets and the ability of federal credit union boards of directors to establish loan rates that reflect current market conditions and the interests of their members. Congress has, however, imposed loan rate ceilings since 1934. In 1979, Congress set the ceiling at 15 percent but authorized the Board to set

a ceiling in excess of 15 percent, if conditions warrant. The following analysis justifies a ceiling above 15 percent, but at the same time does not support a ceiling above the current 18 percent. The Board is prepared to reconsider this action at any time should changes in economic conditions warrant.

Money Market Interest Rates

Table 1 below shows that interest rates rose between January 11 and February 5 as the nation continues to recover from the combination of the recession and the September 11 terrorist attack.

TABLE 1.—YIELDS ON U.S. GOVERNMENT SECURITIES

[Percent]

Maturity	Jan. 11	Feb. 5	Change
3 month	1.55	1.75	.20
6 month	1.62	1.85	.23
2 year	2.72	2.98	.26
5 year	4.09	4.20	.11
10 year ..	4.86	4.89	.03

Table 2 shows that interest rates on maturities of five years and longer have increased since September 13.

TABLE 2.—YIELDS ON LONGER TERM U.S. GOVERNMENT SECURITIES

[Percent]

Maturity	Sept. 13	Feb. 5	Change
5 year	3.95	4.20	.25
10 year ..	4.62	4.89	.27

There is also evidence in financial markets to suggest that rates are likely to rise in the months ahead. A consensus forecast of economists anticipates higher interest rates this year. In addition, the implied forward curve for U.S. Government securities, a sign of market expectations, indicates that the yields on Treasury securities will be higher in the upcoming year.

There are also indications the economy is improving. For example, Federal Reserve Chairman Greenspan recently said, ''(t)here have been signs recently that some of the forces that have been restraining the economy over the past year are starting to diminish and that activity is beginning to firm.'' The Federal Reserve's Open Market Committee, supporting this view, chose to retain the target fed funds rate rather than lowering it again. Gross Domestic Product showed a 0.2 percent increase in the last quarter of 2001. The Conference Board's index of consumer sentiment increased to 97.3 in January from 94.6 in December. This represents a 5-month high. Rising consumer confidence typically results in more discretionary consumer expenditures.Thus improved consumer confidence is another positive sign for the economy.Typically, as the economy improves interest rates increase. Therefore, there are signs in the economy as a whole, and in the financial markets in particular, to suggest interest rates will be higher in the future.

Financial Implications for Credit Unions

For at least 712 credit unions, representing 11.5 [1] percent of reporting federal credit unions, the most common rate on unsecured loans was above 15 percent. While the bulk of credit union lending is below 15 percent, small credit unions and credit unions that have instituted risk-based lending programs require interest rates above 15 percent to maintain liquidity, capital, earnings, and growth. Loans to members who have not yet established a credit history or have weak credit histories have more credit risk. Credit unions must charge rates to cover the potential of higher than usual losses for such loans. There are undoubtedly more than 712 federal credit unions charging over 15 percent for unsecured loans to such members. Many credit unions have ''Credit Builder'' or ''Credit Rebuilder'' loans, but only report the ''most common rate'' on the Call report for unsecured loans. Lowering the interest rate ceiling for federal credit unions would discourage these credit unions from making these loans and many of the affected members would have no alternative but to turn to other lenders who charge much higher rates.

Small credit unions would be particularly affected by lower loan rate ceilings since they tend to have a higher level of unsecured loans, typically with lower loan balances. Table 3 shows the number of credit unions in each asset group where the most common rate is more than 15 percent for unsecured loans.

In addition, credit unions have been actively attempting to increase service to lower-income members and those with marginal credit histories. There has been a significant increase in the number of credit unions engaging in risk-based lending. Imposition of a lower ceiling would substantially constrain these risk-based lending programs.

[1] Of the 6,186 federal credit unions, 3,412 zero balances in the unsecured loan rate categories for the June 2001 reporting period.

In addition, should the interest rate charged on loans be subject to a 15 percent ceiling credit unions, where the majority of members are low-income, will incur significant financial strain. Although the percentage of all low-income designated credit unions reporting loan interest rates greater than 15 percent is comparable to the general federal credit union population (13.9 percent versus 11.9 percent), an analysis of low-income credit unions with assets less than $10 million reveal a much more significant impact.

TABLE 3.—ACTIVE FEDERAL CREDIT UNIONS WITH MOST COMMON UNSECURED LOAN RATES GREATER THAN 15 PERCENT

[June 2001]

Peer group by asset size	Total all FCUs	Number of FCUs with greater than 15 percent
$0–2 million	1,496	153
$2–10 million	2,044	269
$10–50 million ..	1,736	189
$50 million+	910	101
Total	6,186	712

Among the 712 credit unions where the most common rate is more than 15 percent for unsecured loans, 105 have 20 percent or more of their assets (Table 4) in this category. For these credit unions, lowering the rates would threaten their liquidity, capital, earnings, and growth.

TABLE 4.—ACTIVE FEDERAL CREDIT UNIONS WITH MOST COMMON UNSECURED LOAN RATES GREATER THAN 15 PERCENT AND MORE THAN 20 PERCENT OF ASSETS IN UNSECURED LOANS

[June 2001]

Peer group by asset size	Number of FCUs with loan rates greater than 15 percent
$0–2 million	51
$2–10 million	42
$10–50 million	57
$50 million+	32
Total	105

Data from June 2001 reveals that of those credit unions reporting loan interest rates in excess of 15 percent:

- 49 of the 150 federal credit unions (32.7 percent) with less than $2 million in assets are low-income;

- 79 of the 286 federal credit unions (27.6 percent) with less than $5 million in assets are low-income, and
- 97 of the 416 federal credit unions (23.3 percent) with less than $10 million in assets are low-income.

These credit unions offset the cost of generating low-balance loans through the increased interest rates charged. They generally do not have the ability to provide credit card loans and instead grant closed and open-ended loans with the prerequisite underwriting documentation. Further these smaller credit unions generally maintain a higher expense ratio since many are involved with high-transaction accounts that require higher personnel costs and related operational expenses, and do not have economies of scale.

The Board has concluded that conditions exist to retain the federal credit union interest rate ceiling of 18 percent per year for the period March 8, 2002 to September 8, 2003. Loans and line of credit balances existing on or before May 14, 1987, may continue to bear interest at their contractual rate, not to exceed 21 percent. Finally, the Board is prepared to reconsider the 18 percent ceiling at any time during the extension period should changes in economic conditions warrant.

Regulatory Procedures

Administrative Procedure Act

The Board has determined that notification and public comment on this rule are impractical and not in the public interest. 5 U.S.C. 553(b)(3)(B). Due to the need for a planning period prior to the March 8, 2002, expiration date of the current rule, and the threat to the safety and soundness of individual credit unions with insufficient flexibility to determine loan rates, final action on the loan rate ceiling is necessary.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small credit unions (those under one million dollars in assets). This final rule provides added flexibility to all federal credit unions regarding the permissible interest rate that may be used in connection with lending. The NCUA Board has determined and certifies that this rule will not have a significant economic impact on a substantial number of small credit unions.

Paperwork Reduction Act

NCUA has determined that this rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management andBudget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interest. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This rule applies only to federal credit unions and, thus, will not have substantial direct effects on the states, on the relationship between the national government and the states, nor materially affect state interests. The NCUA has determined that the rule does not constitute a policy that has any federalism implication for purposes of the executive order.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act. 5 U.S.C. 551. The Office of Management and Budget has determined that this is not a major rule.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

NCUA has determined that this rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 701

Credit, Credit unions, Loan interest rates.

By the National Credit Union Administration Board on February 7, 2002.

Becky Baker,

Secretary to the Board.

Accordingly, NCUA amends 12 CFR chapter VII as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS(AMENDED)

1. The authority citation for Part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*, 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. Section 701.21(c)(7)(ii)(C) is revised to read as follows:

§ 701.21 Loans to members and lines of credit to members.

* * * * *

(c) * * *

(7) * * *

(ii) * * *

(C) *Expiration.* After September 8, 2003, or as otherwise ordered by the NCUA Board, the maximum rate on federal credit union extensions of credit to members shall revert to 15 percent per year. Higher rates may, however, be charged, in accordance with paragraph (c)(7)(ii)(A) and (B) of this section, on loans and line of credit balance existing on or before September 8, 2003.

* * * * *

[FR Doc. 02–3701 Filed 2–14–02; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–CE–31–AD; Amendment 39–12645; AD 2002–03–04]

RIN 2120–AA64

Airworthiness Directives; Pilatus Britten-Norman Limited BN–2, BN–2A, BN–2B,BN–2T, and BN2A MK. III Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Pilatus Britten-Norman Limited (Pilatus Britten-Norman) BN–2, BN–2A,BN–2B, BN–2T, and BN2A MK. III series airplanes. This AD requires you to replace the emergency exit window sealant. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to correct the problems with emergency exit windows failing to open. Such failure could lead to the inability to exit the airplane in an emergency.

DATES: This AD becomes effective on March 29, 2002.

The Director of the Federal Register approved the incorporation by reference

of certain publications listed in the regulations as of March 29, 2002.

ADDRESSES: You may get the service information referenced in this AD from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone: +44 (0) 1983 872511; facsimile: +44 (0) 1983 873246. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–CE–31–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: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified FAA that an unsafe condition may exist on all Pilatus Britten-Norman BN–2, BN–2A, BN–2B, BN–2T, and BN2A MK. III series airplanes. The CAA reports an incident where an emergency exit window could not be opened. The CAA determined that the emergency exit windows were not properly installed with the correct sealant.

What Is the Potential Impact if FAA Took no Action?

This condition, if not corrected, could lead to the inability to exit the airplane in an emergency.

Has FAA Taken Any Action to This Point?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Pilatus Britten-Norman BN–2, BN–2A, BN–2B, BN–2T, and BN2A MK. III series airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 27, 2001 (66 FR 59178). The NPRM proposed to require you to replace the emergency exit window sealant.

Was the Public Invited to Comment?

The FAA encouraged interested persons to participate in the making of this amendment. We did not receive any comments on the proposed rule or on our determination of the cost to the public.

FAA's Determination

What Is FAA's Final Determination on This Issue?

After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We have determined that these minor corrections:

—Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Cost Impact

How Many Airplanes Does This AD Impact?

We estimate that this AD affects 118 airplanes in the U.S. registry.

What is the Cost Impact of This AD on Owners/Operators of the Affected Airplanes?

We Estimate the following costs to accomplish the necessary replacement:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
2 workhours × $60 per hour = $120	$40	$160	118 × $160 = $18,880.

Regulatory Impact

Does This AD Impact Various Entities?

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.

Does This AD Involve a Significant Rule or Regulatory Action?

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, 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 AD to read as follows:

2002–03–04 Pilatus Britten Norman Limited: Amendment 39–12645; Docket No. 2001–CE–31–AD.

(a) *What airplanes are affected by this AD?* This AD affects all serial numbers of Models BN–2, BN–2A, BN–2A–2, BN–2A–3, BN–2A–6, BN–2A–8, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, BN–2T, BN–2T–4R, BN2A MK. III, BN2A MK. III–2, and BN2A MK. III–3 airplanes that are certificated in any category.

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

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent the failure of emergency exit windows to open.

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

Actions	Compliance	Procedures
Replace emergency exit window sealant.	Within the next 50 hours time-in-service after March 29, 2002 (the effective date of this AD), unless already performed.	In accordance with the Action section of B–N Service Bulletin Number SB 277, Issue 1, dated 03/08/2001.

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

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

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

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph 4(e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

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

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

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with B–N Service Bulletin Number SB 277, Issue 1, dated 03/08/2001. 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 Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR. You can look at copies at the 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.

Note 2: The subject of this AD is addressed in British AD 001–08–2001, dated August 3, 2001.

(i) *When does this amendment become effective?* This amendment becomes effective on March 29, 2002.

Issued in Kansas City, Missouri, on February 4, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–3165 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–66–AD; Amendment 39–12649; AD 2002–03–08]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), that is applicable to Pratt & Whitney PW4000 series turbofan engines. That AD currently requires revisions to the Time Limits Section of the manufacturer's Engine Manuals (EM's) to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This amendment modifies the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements. An FAA study of in-service events involving uncontained failures of critical rotating engine parts has indicated the need for mandatory inspections. The mandatory inspections are needed to identify those critical rotating parts with conditions, which if allowed to continue in service, could result in uncontained failures. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date April 16, 2002.

ADDRESSES: This information may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Robert McCabe, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7138, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000–12–02, Amendment 39–11780 (65 FR 37473, June 15, 2000), which is applicable to Pratt & Whitney PW4000 series turbofan engines was published in the **Federal Register** on October 5, 2001 (66 FR 50888). That action proposed to modify the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements. An FAA study of in-service events involving uncontained failures of critical rotating engine parts has indicated the need for mandatory inspections. The mandatory inspections are needed to identify those critical rotating parts with conditions, which if allowed to continue in service, could result in uncontained failures.

Comments

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

Two commenters state that EM part numbers 50A345, 50A751, and 50A882 are incorrect and should be changed to the correct part numbers of 51A345, 51A751, and 50A822, respectively.

The FAA agrees. The correct manual part numbers are included in this final rule.

One commenter requests that the comment period of this AD be extended until the manufacturer issues the new inspection requirements in the EM's or, that the operator's compliance to the final rule of this AD be delayed for 30 days after the manufacturer publishes the new inspection procedures in the manufacturer's EM's.

The FAA disagrees. The manufacturer has confirmed its ability to issue Temporary Revisions to the affected EM's within several weeks after the

effective date of this AD. The FAA believes that the nature and scope of the added inspections will not be significantly different from existing inspections. In addition, the effective date of this AD (and therefore the operator's compliance time period) has been extended to 60 days after publication to allow ample time for the specific inspection procedures and requirements to be published by the manufacturer and then incorporated into the operator's maintenance programs. Operators may submit comments to the docket on the specific procedures once they are published, and the FAA will consider extending the effective date further or additional rulemaking, as necessary. The FAA does not believe, however, that this final rule need be delayed pending the publication of the inspection procedures, or that the initial compliance time be extended to accommodate the manufacturer's manual revision cycle.

One commenter concurs with the intent of the AD as proposed.

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

Economic Analysis

No comments were received on the economic analysis contained in the proposed rules. The FAA has determined that the annual cost of complying with this AD does not create a significant economic impact on small entities.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under 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 final evaluation has been prepared for this action and it 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.

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 removing Amendment 39–11780 (65 FR 37473, June 15, 2000) and by adding a new airworthiness directive, Amendment 39–12649, to read as follows:

2002–03–08 Pratt & Whitney: Amendment 39–12649. Docket No. 98–ANE–66–AD. Supersedes AD 2000–12–02, Amendment 39–11780.

Applicability: Pratt & Whitney (PW) Model PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, PW4650, PW4164, PW4168, PW4168A, PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, and PW4098 turbofan engines, installed on but not limited to Airbus A300, A310, and A330 series, Boeing 747, 767, and 777 series, and McDonnell Douglas MD–11 series airplanes.

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

Compliance: Required as indicated, unless already done.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

Inspections

(a) Within the next 60 days after the effective date of this AD, revise the Time Limits Section (TLS) of the Engine Manuals (EM's), part numbers 50A443, 50A605, 50A822, 51A342, 51A345, and 51A751, as applicable, for Pratt & Whitney PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, PW4650, PW4164, PW4168, PW4168A, PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, and PW4098 series turbofan engines; and for air carrier operations revise the approved mandatory inspections section of the continuous airworthiness maintenance program, to read as follows:

''MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the PW4000 series Engine Cleaning, Inspection and Repair (CIR) Manuals:

For Engine Manuals 50A443, 50A605, and 50A822, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Hub, Front Compressor	All	72–31–07	Insp/Check-02	51A357
Hub, Turbine, Front Assy (Stage 1)	All	72–52–05	Insp/Check-02	51A357
Hub, Turbine, Intermediate Rear (Stage 2)	All	72–52–06	Insp/Check-02	51A357

For Engine Manual 51A342, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Hub, LPC Assembly	All	72–31–07	Insp/Check-02	51A357
Hub, Turbine, Front Assembly (Stage 1)	All	72–52–05	Insp/Check-02	51A357
Seal—Air, HPT Stage 2	All	72–52–22	Insp/Check-02	51A357
Hub, Turbine, Rear (Stage 2)	All	72–52–06	Insp/Check-02	51A357

For Engine Manuals 51A345 and 51A751, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Hub, LPC Assembly	All	72–31–07	Insp/Check-02	51A750
Seal—Air, HPT Stage 1	All	72–52–19	Insp/Check-02	51A750
Hub, Turbine, Front Assembly (Stage 1)	All	72–52–05	Insp/Check-02	51A750
Seal—Air, HPT Stage 2 Assembly	All	72–52–22	Insp/Check-02	51A750
Hub, Turbine rear Assembly (Stage 2)	All	72–52–06	Insp/Check-02	51A750

For Engine Manuals 50A443, 50A605, and 50A822, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
HPC Stage 5 Disk	All	[1] 72–35–06	Insp/Check-02	51A357
HPC Front Drum Rotor	All	[1] 72–35–07	Insp/Check-02	51A357
HPC Rear Drum Rotor	All	[2] 72–35–08	Insp/Check-02	51A357
HPC Rear Drum Rotor	All	[3] 72–35–10	Insp/Check-02	51A357

[1] For PW4000–94'' Phase I & III ONLY.
[2] For PW4000–94'' Phase I ONLY.
[3] For PW4000–94'' Phase III ONLY.

For Engine Manual 51A342, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
HPC Stage 5 Disk	All	72–35–06	Insp/Check-02	51A357
HPC Front Drum Rotor	All	72–35–07	Insp/Check-02	51A357
HPC Rear Drum Rotor	All	72–35–10	Insp/Check-02	51A357

For Engine Manuals 51A345 and 51A751, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
HPC Stage 5 Disk	All	72–35–06	Insp/Check-02	51A750
HPC Front Drum Rotor	All	72–35–07	Insp/Check-02	51A750
HPC Rear Drum Rotor	All	72–35–10	Insp/Check-02	51A750
HPC Stage 15 Disk	All	72–35–92	Insp/Check-02	51A750
HPT Stage 1 Airseal	All	72–52–19	Insp/Check-02	51A750
HPT Front Hub	All	72–52–05	Insp/Check-02	51A750
HPT Stage 2 Airseal	All	72–52–22	Insp/Check-02	51A750
HPT Rear Hub	All	72–52–06	Insp/Check-02	51A750

For Engine Manuals 50A443, 50A605 and 50A822, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR Manual
Stage 3 LPT Disk	All	72–53–13	Insp/Check-02	51A357
Stage 4 LPT Disk	All	72–53–14	Insp/Check-02	51A357
Stage 5 LPT Disk	All	72–53–15	Insp/Check-02	51A357
Stage 6 LPT Disk	All	72–53–16	Insp/Check-02	51A357

For Engine Manual 51A342, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Stage 3 LPT Disk	All	72–53–13	Insp/Check-02	51A357
Stage 4 LPT Disk	All	72–53–14	Insp/Check-02	51A357
Stage 5 LPT Disk	All	72–53–15	Insp/Check-02	51A357
Stage 6 LPT Disk	All	72–53–16	Insp/Check-02	51A357
Stage 7 LPT Disk	All	72–53–61	Insp/Check-02	51A357

For Engine Manual 51A345, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Stage 3 LPT Disk	All	72–53–13	Insp/Check-02, Config-1	51A750
Stage 4 LPT Disk	All	72–53–14	Insp/Check-02	51A750
Stage 5 LPT Disk	All	72–53–60	Insp/Check-02	51A750
Stage 6 LPT Disk	All	72–53–16	Insp/Check-02, Config-1	51A750
Stage 7 LPT Disk	All	72–53–72	Insp/Check-02	51A750
Stage 8 LPT Disk	All	72–53–62	Insp/Check-02, Config-1	51A750
Stage 9 LPT Disk	All	72–53–63	Insp/Check-02	51A750

For Engine Manual 51A751, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Stage 3 LPT Disk	All	72–53–13	Insp/Check-02, Config-2 See Note (1).	51A750
Stage 4 LPT Disk	All	72–53–14	Insp/Check-02	51A750
Stage 5 LPT Disk	All	72–53–60	Insp/Check-02	51A750
Stage 6 LPT Disk	All	72–53–16	Insp/Check-02, Config-2 See Note (1).	51A750
Stage 7 LPT Disk	All	72–53–72	Insp/Check-02	51A750
Stage 8 LPT	All	72–53–62	Insp/Check-02, Config-2 See Note (1).	51A750
Stage 9 LPT Disk	All	72–53–63	Insp/Check-02	51A750

[1] FPI method only.

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when accomplished in accordance with the disassembly instructions in the manufacture's EM's to either the part detail or part assembly level part numbers for the parts listed in the Tables above, and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in § 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections must be performed only in accordance with the Time Limits Section of the manufacturer's EM's.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Continuous Airworthiness Maintenance Program

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the record-keeping requirement of § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)) must maintain records of the mandatory inspections that result from revising the Time Limits Section of the EM's and the air carrier's continuous airworthiness program. Alternatively, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)). All other operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the EM changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the applicable EM's.

(f) This amendment becomes effective on April 16, 2002.

Issued in Burlington, Massachusetts, on February 5, 2002.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–3579 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–09]

Revision of Class E Airspace, Pasco, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace at Pasco, WA. An area of uncontrolled airspace exists in the Tri-Cities terminal area. Additional Class E 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft conducting IFR operations at Pasco, Tri-Cities Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Pasco, Tri-Cities Airport, Pasco, WA.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–09, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On July 10, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E at Pasco, WA, in order to provide a safer IFR environment at Pasco, Tri-Cities Airport, Pasco, WA (66 FR 35916). This amendment provides additional Class E5 1,200-feet controlled airspace at Pasco, WA, to contain IFR aircraft operating in the Pasco, Tri-Cities terminal area. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. A revision to the legal description as written in the Notice for Proposed Rule Making (NPRM) was required for charting purposes to amend an error in the Class E 700 foot airspace at Richland, WA. This correction does not change the existing airspace at Richland, WA, as charted. This is considered an insignificant modification to the airspace description as the dimension of the proposed airspace described in the NPRM did not change.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Pasco, WA, in order to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Pasco, Tri-Cities Airport, Pasco, WA. This amendment revises Class E5 airspace at Pasco, WA, to enhance safety and efficiency of IFR flight operations in the Tri-Cities terminal area. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Pasco, Tri-Cities Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

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

* * * * *

ANM WA E5 Pasco, WA [Revised]

Pasco, Tri-Cities Airport, WA
(Lat. 46°15′53″ N., long 119°07′08″ W.)
Pasco VOR/DME
(Lat. 46°15′47″ N., long. 119°06′57″ W.)
Richland Airport
(Lat. 46°18′20″ N., long. 119°18′15″ W.)

That airspace extending upward from 700 feet above the surface within 9.2 miles northwest and 5.3 miles southeast of the Pasco VOR/DME 046° and 226° radials extending from 20.1 miles northeast to 10.5 miles southwest of the VOR/DME, and within 8.3 miles northeast and 6.1 miles southwest of the Pasco VOR/DME 131° radial extending from the VOR/DME to 26.3 miles southeast of the VOR/DME, and within 4.3 miles north and 6.6 miles south of the Pasco VOR/DME 288° radial extending from 7 miles west of the VOR/DME to 23.1 miles west of the VOR/DME, and within 8.3 miles west and 4 miles east of the 026° bearing from the Richland Airport extending from the airport to 20.9 miles; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 45°49′00″ N., long. 118°00′00″ W.; thence to lat. 45°49′00″ N., long. 119°45′00″ W.; to lat 47°00′00″ N., long. 119°45′00″ W., to lat. 47°00′00″ N.long., 118°00′00″ W.; thence to the point of origin, excluding that airspace within Federal Airways, and the Hermiston, OR; Pendleton, OR; Walla Walla, WA, Moses Lake, WA, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3788 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–15]

Establishment of Class E Airspace, Scobey, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Scobey, MT. A newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) at the Scobey Airport has made this action necessary. Class E 700-feet and 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing procedures in the Instrument Flight Rules (IFR). The effect of this action is to provide adequate controlled airspace for IFR operations at Scobey Airport, Scobey, MT.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–15, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On July 23, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Scobey, MT, in order to provide a safer IFR environment at Scobey Airport, Scobey, MT (66 FR 38223). This amendment established Class E5 700-feet and 1,200-feet controlled airspace at Scobey, MT, to contain IFR aircraft operating in the Scobey terminal area. A newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) at the Scobey Airport have made this action necessary. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) establishes Class E 700-feet and 1,200-feet airspace at Scobey, MT, in order to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Scobey Airport. A newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) at the Scobey Airport have made this action necessary. This amendment provides Class E5 airspace at Scobey, MT, to enhance safety and efficiency of IFR flight operations in the Scobey terminal area. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under IFR at the Scobey Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400.0J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

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

* * * * *

ANM MT E5 Scobey, MT [New]

Scobey Airport MT
(Lat 48°48′28″ N., long. 105°26′22″ W.)

That airspace extending upward from 700 feet above the surface within the 5.5-mile radius of the Scobey Airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 49° 00′00′N., long. 105°36′30′W.; to lat. 49°00′00′N., long. 105°00′00′W.; to lat. 48°40′27′N., long. 105°00′00′W.; to lat. 48°25′00′N., long. 104°00′00′W.; to lat. 48°14′18′N., long. 104°00′00′W.; to lat. 48°36′40′N., long. 105°30′00′W.; to lat. 48°30′00′N., long. 105°41′00′W.; to lat. 48°30′00′N., long. 106°00′00′W.; to lat. 48°36′30′N., long. 106°11′55′W.; to the point of origin; excluding that airspace within the Glasgow, MT, and Williston, ND, Class E airspace and Federal Airways areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3789 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–07]

Revision of Class E Airspace, Kemmerer, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: this action revises the Class E airspace at Kemmerer, WY. Newly developed Area Navigation (RNAV) approaches at the Kemmerer Municipal Airport have made this action necessary. Additional Class E 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (Global Positioning System (GPS)) RWY 16 and RNAV (GPS) RWY 34 at Kemmerer Municipal Airport. The effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Kemmerer Municipal Airport, Kemmerer, WY.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brien Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–07, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On July 23, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Kemmerer, WY, in order to provide a safer IFR environment at Kemmerer Municipal Airport, Kemmerer, WY (66 FR 38225). This amendment provides additional Class E5 700-feet and 1,200-feet controlled airspace at Kemmerer, WY, to contain IFR aircraft operating in the Kemmerer terminal area. Newly developed Area Navigation (RNAV) approaches at the Kemmerer Municipal Airport have made this action necessary. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. A comment was received from the FAA AVN–500 Charting Office. A revision to the legal description as written in the Notice for Proposed Rule Making (NPRM) was required for charting purpose to amend an error in the Class E 1,200-feet airspace. This is considered an insignificant modification to the airspace description as the dimension of the proposed airspace described in the NPRM did not change.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Kemmerer, WY, in order to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Kemmerer Municipal Airport, Kemmerer, WY. This amendment revises Class E5 airspace at Kemmerer, WY, to enhance safety and efficiency of IFR flight operations in the Kemmerer terminal area. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under IFR at the Kemmerer Municipal Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; E.O. 10854, 24 FR 9565, 3 CFR, 1950–1963 Comp., p. 389.

§ 71.1 [Amended]

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

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

* * * * *

ANM WY E5 Kemmerer, WY [Revised]

Kemmerer Municipal Airport, WY
Lat. 41°49′30″N., long. 110°33′32″ W.)

That airspace extending upward from 700 feet above the surface within the 8-mile radius of the Kemmerer Municipal Airport, and within 4 miles each side of the 174° bearing from the Kemmerer Airport extending from the airport 11 miles south of the airport, and within 3.6 miles each side of the 354° bearing from the Kemmerer Airport extending from the airport to 16.1 miles northwest of the airport; and that airspace extending upward form 1,200 feet above the surface bounded by a line beginning at lat. 41°30′00″N., long. 111°00′00″W.; to lat 42°10′00′N., long. 111°00′00″W.; to lat. 42°10′00″N., long. 110°00′00″W.; to lat. 41°30′00″N., long. 110°00′00″W.; to lat. 41°15′00″N., long. 110°23′00″W.; to point of origin; and excluding that airspace within Federal airways; and the Fort Bridger, WY, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3790 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–34]

Revision of Class E Airspace, Greeley, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace at Greeley, CO. A newly revised Airport Reference Point (ARP) coordinates at the Greeley-Weld Airport has made this action necessary. The change of the ARP coordinates required the legal description of Greeley-Weld Airport Class E airspace to reflect the new coordinates. Additionally, a revision to the Class E 700-feet controlled airspace, above the surface of the earth was required to reflect changes in airspace configurations in Colorado. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Greeley-Weld Airport, Greeley, CO.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–34, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

History

On August 27, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Greeley, CO, in order to correct a change in the ARP at the Greeley-Weld Airport, Greeley, CO (66 FR 44994). This action provides Class E5 airspace at Greeley, CO, and to revise the Class E 700-feet airspace to meet current airspace requirements for IFR flight in Colorado. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Greeley, CO, in order to change the ARP coordinates in the legal description of Greeley-Weld Airport. This amendment also revises Class E5 airspace at Greeley, CO, the revision to Class E 700-feet controlled airspace, above the surface of the earth is required to realign airspace configurations in the Denver, CO, terminal area due to the conversion from Stapleton International Airport to the Denver International Airport. Class E 700-feet controlled airspace, above the surface of the earth is required to contain aircraft executing IFR procedures at Greeley-Weld Airport. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Greeley-Weld Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700-feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows

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

* * * * *

ANM CO E5 Greeley, CO [Revised]

Greeley-Weld County Airport, CO

(Lat. 40°25′43″ N., long. 104°37′58″ W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 40°38′00″N., long. 104°53′02″W.; to lat. 40°41′00″N., long. 104°27′02″W.; to lat. 40°18′00″N., long. 104°23′30″W.; to lat. 40°15′30″N., long. 104°49′30″W.; thence to point of origin; excluding that airspace within Federal Airways, the Denver, CO; Fort Collins, CO, and Loveland, CO, Class E Airspace areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3791 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–06]

Revision of Class E Airspace, Cedar City, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace at Cedar City, UT. Newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) at the Cedar City Regional Airport made this action necessary. Additional Class E 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (Global Positioning System (GPS) RWY 20 at Cedar City Regional Airport.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–06, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On August 27, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Cedar City, UT, in order to accommodate new RNAV SIAP at Cedar City Regional Airport, Cedar City, UT (66 FR 44993). This action provides Class E5 airspace at Cedar City, UT, to meet current criteria standards associated with the SIAP. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Cedar City, UT, in order to accommodate new RNAV (GPS) SIAP to the Cedar City Regional Airport, Cedar City, UT. This amendment revises Class E5 airspace at Cedar City, UT, to meet current criteria standards associated with the RNAV and SIAP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Cedar City Regional Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward form 700-feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400. 9J, Airspace Designations and Reporting Points, dated August 31, 2001, is amended as follows:

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

* * * * *

ANM UT E5 Cedar City, UT [Revised]

Cedar City Regional Airport, UT

(Lat. 37°42′03″ N., long. 113°05′55″ W.)

That airspace extending upward from 700-feet above the surface bounded by a line beginning at lat. 38°03′00″ N., long. 113°13′30″ W.; to lat. 38°05′30″ N., long. 112°58′30″ W.; to lat. 37°58″30′ N., long. 112°45′30″ W.; to lat. 37°45′00″ N., long. 112°56′45″ W.; to lat. 37°47′30″ N., long. 113°15′00″ W.; thence to point of beginning; and that airspace extending upward from 1,200-feet above the surface bounded by a line beginning at lat. 38°00′00″ N., long. 113°45′30″ W; to lat. 38°19′00″ N., long. 112°51′30″ W.: to lat. 37°58′32″ N., long. 112°38′00″ W.; to lat. 37°37′00″ N., long. 112°53′30″ W.; to lat. 37°38′15″ N., long. 113°22′18″ W.; thence to point of origin; and excluding that airspace within Federal airways; the Midford, UT, and St. George, UT, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3792 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–04]

Establishment of Class E Airspace, Kanab, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Kanab, UT. Newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) and Departure Procedure (DP) to the Kanab Municipal Airport has made this action necessary. Class E 700-feet and 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing procedures in the Instrument Flight Rules (IFR).

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–04, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On April 17, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Kanab, UT, in order to accommodate new RNAV SIAP and DP at Kanab Municipal Airport, Kanab, UT (66 FR 43134). This amendment provides Class E5 airspace at Kanab, UT, to meet current criteria standards associated with the SIAP. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) establishes Class E airspace at Kanab, UT, in order to accommodate new SIAP and DP to the Kanab Municipal Airport, Kanab, UT. This amendment establishes Class E5 airspace at Kanab, UT, to meet current criteria standards associated with the RNAV SIAP and DP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under IFR at the Kanab Municipal Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

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

* * * * *

ANM UT E5 Kanab, UT [New]

Kanab Municipal Airport, UT
(Lat. 37°00′40″ N., long. 112°31′52″ W.)

That airspace extending upward from 700-feet above the surface within the 8-mile radius of the Kanab Municipal Airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 36°32′10″ N., long. 112°00′00″ W.; to lat. 36°32′10″ N., long. 112°52′00″ W.; to lat. 37°15′00″ N.; long. 112°52′00″ W.; to lat. 37°15′00″ N., long. 112°16′00″ W.; to lat. 37°09′00″ N., long. 112°15′00″ W.; to lat. 37°09′00″ N., long. 111°50′00″ W.; to lat. 36°45′00″ N., long. 111°50′00″ to lat. 36°45′00″ N., long. 112°00′00″ W.; thence to the point of origin; and excluding that airspace within Federal airways.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3793 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

[T.D. 02–07]

RIN 1515–AD03

Andean Trade Preference Act

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Temporary rule.

SUMMARY: This is a 90-day temporary rule. Duty-free treatment for eligible articles from beneficiary countries under the Andean Trade Preference Act (ATPA) expired on December 4, 2001. This document amends the Customs Regulations on a temporary basis to provide that effective February 15, 2002, importers of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, may exercise the option to defer the payment of estimated Customs duties and fees after entry of those articles until May 16, 2002. The Administration anticipates that the duty-free treatment accorded to merchandise under the provisions of the ATPA will be restored and made

retroactive to the date of the initial termination of such duty-free treatment (December 4, 2001), and that there will be no extension of this extraordinary action.

After consultation with the State Department, the Department of Commerce, the United States Trade Representative, the Office of National Drug Control Policy, and others, it has been determined that there is a national security interest to be furthered by an interim deferral of collection of estimated duties on products from the Andean nations. Action in this matter is also intended to relieve the importing public from having to deposit estimated duties and fees on eligible merchandise and then having to apply for a refund of the duties in the event duty-free treatment is retroactively re-authorized for such merchandise under the ATPA.

EFFECTIVE DATE: This temporary rule is effective on February 15, 2002, and expires on May 16, 2002. This temporary rule applies to imported merchandise that would have been subject to duty-free treatment had the ATPA not expired, that is entered or withdrawn from warehouse for consumption in the customs territory of the United States on or after February 15, 2002.

FOR FURTHER INFORMATION CONTACT: Leon Hayward, Office of Field Operations, 202–927–3271.

SUPPLEMENTARY INFORMATION:

Background

Title II of Public Law 102–182 (105 Stat. 1233), enacted on December 4, 1991, and entitled the Andean Trade Preference Act (ATPA), authorized the President to proclaim duty-free treatment for all eligible articles from any beneficiary country, to designate countries as beneficiary countries, and to proclaim duty reductions for certain goods not eligible for duty-free treatment. The ATPA is codified at 19 U.S.C. 3201–3206.

Sections 10.202–10.208 of the Customs Regulations (19 CFR 10.202–10.208) set forth the legal requirements and procedures that apply for purposes of obtaining duty-free or reduced duty treatment for articles from a beneficiary country. These articles are identified for purposes of receiving duty-free or reduced duty treatment in General Note 11, Harmonized Tariff Schedule of the United States (HTSUS), and in the ''Special'' rate of duty column in the HTSUS. The beneficiary countries covered by the ATPA are Bolivia, Colombia, Ecuador and Peru (General Note 11(a), HTSUS).

It is stated in 19 U.S.C. 3206(b) that no duty-free treatment extended to beneficiary countries under the ATPA will remain in effect 10 years after December 4, 1991, which, as noted above, is the date of enactment of the ATPA.

Nevertheless, the Administration anticipates that the duty-free treatment accorded to merchandise eligible for such treatment under the provisions of the ATPA will be restored and made retroactive to the date of initial termination (December 4, 2001).

After consultation with the State Department, the Department of Commerce, the United States Trade Representative, the Office of National Drug Control Policy, and others, it has been determined that there is a national security interest to be furthered by an interim deferral of collection of estimated duties on merchandise from the Andean nations previously eligible for such treatment. The ATPA serves to help encourage and expand legitimate economic activities in countries combatting illegal narcotic production and trafficking and related criminal and terrorist activities.

The ATPA explicitly references that satisfying the narcotics cooperation certification criteria set forth in section 481(h)(2)(A) of the Foreign Assistance Act of 1961 (deemed to be a reference to section 490 of the Foreign Assistance Act, codified at 22 U.S.C. 2291j) is an important factor in determining a country's eligibility to be designated as a beneficiary under the ATPA. The Andean nations that have been designated as beneficiaries under the ATPA were last determined on March 1, 2001, to satisfy these criteria. (Section 591(5) of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002 (Pub. L. 107–115, 115 Stat. 2118, January 10, 2002), makes section 490 of the Foreign Assistance Act inoperative in FY 2002 and provides for modified procedures which contain many of the same elements as section 490.) Accordingly, an interim deferral of estimated duties and fees in anticipation of Congressional re-enactment of the ATPA within the next 90 days is appropriate to further the national security interest in combating narcotic production and trafficking and related criminal and terrorist activities.

To this end, Customs is amending § 141.102 of the Customs Regulations (19 CFR 141.102) to provide that as of February 15, 2002, an importer of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, may exercise the option to defer the payment of estimated Customs duties and fees on the entry of those articles until May 16, 2002.

Action in this matter is intended to relieve the importing public from having to deposit estimated duties and fees on eligible merchandise and then having to apply for a refund of the duties in the event duty-free treatment is retroactively re-authorized for such merchandise under the ATPA in the next 90 days.

If an importer chooses to use the option of filing estimated duties and fees more than 10 days after the date of entry of the merchandise, Customs will require paper filings of the entry and entry summary.

Administrative Procedure Act, Regulatory Flexibility Act and Executive Order 12866

After consultation with the Department of State, the Department of Commerce, the United States Trade Representative, the Office of National Drug Control Policy, and others, it has been determined that there is a national security interest to be furthered by an interim deferral of collection of estimated duties on merchandise from the Andean nations previously eligible for such treatment. Accordingly, because the national security interest at issue involves a foreign affairs function of the United States, notice and public procedure are not required pursuant to 5 U.S.C. 553(a)(1). This action will also provide the importing public an option to avoid having to deposit estimated duties and fees on eligible merchandise and then having to apply for a refund of the duties if, as expected, duty-free treatment is retroactively re-authorized for such merchandise under the ATPA in the next 90 days. Accordingly, notice and public procedure are not required pursuant to 5 U.S.C. 553(b)(B). For these same reasons, a delayed effective date is not required pursuant to 5 U.S.C. 553(a)(1) and (d)(1).

Because no notice of proposed rulemaking is required, this temporary rule is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Nor is this temporary rule a ''significant regulatory action'' for purposes of E.O. 12866.

List of Subjects in 19 CFR Part 141

Customs duties and inspection, Entry of merchandise, Release of merchandise, Reporting and recordkeeping requirements.

Amendments to the Regulations

Part 141, Customs Regulations (19 CFR part 141), is amended as set forth below.

PART 141—ENTRY OF MERCHANDISE

1. The general authority citation for part 141 and the specific authority citation for subpart G continue to read, and a new specific authority citation for § 141.102(e) is added in appropriate numerical order to read, as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624; 46 U.S.C. App. 3, 91.

* * * * *

Subpart G also issued under 19 U.S.C. 1505;

* * * * *

Section 141.102(e) also issued under 19 U.S.C. 3;

* * * * *

2. Section 141.102 is amended by adding a new paragraph (e) to read as follows:

§ 141.102 When deposit of estimated duties, estimated taxes, or both not required.

* * * * *

(e) *Merchandise otherwise duty-free under Andean Trade Preference Act (ATPA).* For merchandise entered or withdrawn from warehouse for consumption in the customs territory of the United States on or after February 15, 2002, an importer of eligible articles that, but for the expiration of the Andean Trade Preference Act (ATPA), would have been entitled to duty-free treatment under the ATPA, may, at the importer's option, defer the payment of estimated Customs duties and fees on the entry of those articles until May 16, 2002. Merchandise eligible for duty-free treatment under the ATPA is identified in General Note 11, Harmonized Tariff Schedule of the United States (HTSUS), and in the relevant ''Special'' rate of duty column in the HTSUS. The procedure for obtaining duty-free treatment for merchandise otherwise eligible for such treatment under the ATPA is contained in § 10.207 of this chapter. If the option is taken to deposit the estimated duties and fees more than 10 days from the date of entry, the entry and entry summary will not be accepted by Customs electronically.

Robert C. Bonner,

Commissioner of Customs.

Approved: February 13, 2002.

Timothy E. Skud,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 02–4009 Filed 2–13–02; 4:46 pm]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 529

Certain Other Dosage Form New Animal Drugs; Albuterol

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Boehringer Ingelheim Vetmedica, Inc. The NADA provides for use of an intranasal aerosol of albuterol sulfate for relief of bronchospasm and bronchoconstriction in horses.

DATES: This rule is effective February 15 2002.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540.

SUPPLEMENTARY INFORMATION: Boehringer Ingelheim Vetmedica, Inc., 2621 North Belt Highway, St. Joseph, MO 64506–2002, filed NADA 141–180 that provides for use of TORPEX (albuterol sulfate) Aerosol for the immediate relief of bronchospasm and bronchoconstriction associated with reversible airway obstruction in horses. The NADA is approved as of November 16, 2001, and the regulations are amended in 21 CFR part 529 by adding § 529.40 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(c)(2)(F)(i)), this approval qualifies for 5 years of marketing exclusivity beginning November 16, 2001, because no active ingredient (including any ester or salt of the drug) has been previously approved in any other application filed under section 512(b)(1) of the act.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 529

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 529 is amended as follows:

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 529 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 529.40 is added to read as follows:

§ 529.40 Albuterol.

(a) *Specifications.* A net weight of 6.7 grams of formulated albuterol sulfate is supplied in a pressurized aluminum canister within an actuator system equipped with a detachable nasal delivery bulb.

(b) *Approvals.* See No. 000010 in § 510.600(c) of this chapter for uses as in paragraph (d) of this section.

(c) *Special considerations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(d) *Conditions of use*—(1) *Amount.* Each valve actuation (puff) of the device delivers 120 micrograms (mcg) of albuterol sulfate. One dose is three (3) puffs, totaling 360 mcg.

(2) *Indications for use.* For the immediate relief of bronchospasm and bronchoconstriction associated with reversible airway obstruction in horses.

(3) *Limitations.* Not for use in horses intended for food.

Dated: February 4, 2002.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 02–3738 Filed 2–14–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[DEA–206]

RIN 1117–AA55

Exemption From Control of Certain Industrial Products and Materials Derived From the Cannabis Plant

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Interim Rule; extension of grace period to dispose of existing inventories of hemp products.

SUMMARY: On October 9, 2001, DEA published in the **Federal Register** (66 FR 51539) an interim rule which exempted from control certain THC-containing industrial products, processed plant materials used to make such products, and animal feed mixtures. With respect to those products that were not exempted from control under the interim rule, DEA provided in the interim rule a 120-day grace period to allow persons with existing inventories to dispose of such inventories. The 120-day grace period ended on February 6, 2002. However, DEA will now extend the grace period until March 18, 2002, under the same terms as previously set forth in the interim rule.

DATES: Effective October 9, 2001. The grace period for the disposal of existing inventories of non-exempted hemp products which expired on February 6, 2002, is extended to March 18, 2002.

FOR FURTHER INFORMATION, CONTACT: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7183.

SUPPLEMENTARY INFORMATION: On October 9, 2001, DEA published in the **Federal Register** (66 FR 51,539) an interim rule which exempted from control certain THC-containing industrial products, processed plant materials used to make such products, and animal feed mixtures. With respect to those products that were not exempted from control under the interim rule, DEA provided in the interim rule a 120-day grace period to allow persons with existing inventories to dispose of such inventories. The 120-day grace period ended on February 6, 2002. However, DEA will now extend the grace period until March 18, 2002, under the same terms as previously set forth in the interim rule.

Therefore, the terms of the extended grace period are as follows:

Any person who currently possesses a THC-containing ''hemp'' product not exempted from control under the October 9, 2001 interim rule has until March 18, 2002 to dispose of such product. However, during this extended grace period (as was the case during the prior grace period), no person may use any THC-containing ''hemp'' product for human consumption (as defined in the interim rule); nor may any person manufacture or distribute such a product with the intent that it be used for human consumption within the United States.

Regulatory Certifications

Regulatory Flexibility Act

The Administrator, Drug Enforcement Administration, hereby certifies that this rulemaking has been drafted in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation, and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This rulemaking extends the grace period for persons to remove existing inventories of products containing tetrahydrocannabinols from their inventories and legally dispose of them.

Executive Order 12866

The Administrator further certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866 section 1(b). DEA has determined that this is not a significant rulemaking action. Therefore, this action has not been reviewed by the Office of Management and Budget. This rulemaking provides a benefit to the regulated industry by extending the grace period for persons to legally dispose of existing inventories of products containing tetrahydrocannabinols.

Executive Order 12988

This regulation meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Executive Order 13132

This rulemaking does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Dated: February 11, 2002.

Asa Hutchinson,

Administrator.

[FR Doc. 02–3934 Filed 2–13–02; 3:07 pm]

BILLING CODE 4410–09–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. FHWA–2001–8846]

RIN 2125–AE83

Revision of the Manual on Uniform Traffic Control Devices; Accessible Pedestrian Signals

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: This document contains Revision No. 1 to the 2000 Millennium Edition of the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the FHWA. The 2000 Millennium Edition of the MUTCD is incorporated by reference in 23 CFR Part 655, subpart F, and recognized as the national standard for traffic control devices used on all public roads. The purpose of this revision is to revise the guidance and supporting information relating to the decisionmaking process concerning accessible pedestrian signals in Parts 1 and 4 of the MUTCD.

The FHWA is issuing an interim final rule to provide an opportunity for the public to review and make comment on the necessary changes to the pertinent electronic files on the FHWA's MUTCD Internet site (*http://mutcd.fhwa.dot.gov*) to comply with section 508 of the Rehabilitation Act of 1973. After reviewing comments regarding these electronic files, the FHWA may modify the interim final rule and issue a revision and a final rule.

DATES: This interim final rule is effective March 18, 2002. Comments related to the necessary changes made to the pertinent electronic files in order to comply with section 508 must be received on or before April 16, 2002. The incorporation by reference of the publication listed in this regulation is approved by the Director of the Office of the Federal Register as of March 18, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Huckaby, Office of Transportation Operations, Room 3408, (202) 366–9064, or Mr. Raymond Cuprill, Office of the Chief Counsel, Room 4230, (202) 366–0791, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL) *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this action may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The text of Revision No. 1 and the text of the 2000 Millennium Edition of the MUTCD with Revision No. 1 text incorporated are available for inspection and copying as prescribed in 49 CFR part 7 at the FHWA Office of Transportation Operations. Furthermore, Revision No. 1 changes, as discussed here, are available on the MUTCD Internet site (*http://mutcd.fhwa.dot.gov*). The entire MUTCD text with Revision No. 1 text incorporated is also available on this Internet site.

Section 508 of the Rehabilitation Act, 29 U.S.C. 794d (2001), requires that certain electronic and information technology (''EIT'') be accessible to individuals with disabilities. By regulation, 36 CFR 1194.4 (2001), EIT includes information contained on world wide websites. Therefore, to comply with Section 508, the FHWA has added to its MUTCD Internet site (*http://mutcd.fhwa.dot.gov*), for the electronic files which are affected by this interim final rule, an alternative format (hypertext markup language—HTML), that is accessible to individuals with disabilities. Included within those HTML files are narrative descriptions of the illustrations (figures) that are contained within the affected non-accessible format electronic files. The FHWA is issuing this interim final rule to provide an opportunity for the public to review and make comment on the narrative descriptions of the illustrations. After reviewing comments regarding these descriptions, the FHWA may modify the interim final rule and issue a revision and a final rule.

Summary of Comments

The FHWA published a notice of proposed amendment (NPA) on May 17, 2001, at 66 FR 27480, with a 30-day comment period, in response to several letters received by the U.S. Department of Transportation objecting to language in the text of the MUTCD summarized in the final rule published on December 18, 2000, at 65 FR 78923. The comment period ended on June 18, 2001. The FHWA has reviewed the comments received to the docket in response to the NPA. The FHWA is acting on the items published in the notice of proposed amendments, as described in the discussion below. Each action and its basis is summarized below:

Discussion of Adopted Amendments to Part 1—General

The FHWA received five comments to the docket concerning the proposed revision to Part 1. One comment was from an individual and four comments represented public/private interest groups.

1. In Section 1A.11 Relation to Other Documents, the FHWA is adding a new document, '' 'Accessible Pedestrian Signals,' A–37, U.S. Architectural and Transportation Barriers Compliance Board (The U.S. Access Board),'' to the publications listed in the SUPPORT statement. All four of the commenters supported this change.

Discussion of Adopted Amendments to Part 4—Signals

The FHWA received five comments to the docket concerning the proposed revisions to Part 4. One comment was from an individual and four comments represented public/private interest groups.

1. In Section 4E.06 Accessible Pedestrian Signals, the FHWA is revising the first SUPPORT statement to read, ''SUPPORT: The primary technique that pedestrians who have visual disabilities use to cross streets at signalized intersections is to initiate their crossing when they hear the traffic in front of them stop and the traffic alongside them begin to move, corresponding to the onset of the green interval. This technique is effective at many signalized intersections. The existing environment is often sufficient to provide the information that pedestrians who have visual disabilities need to operate safely at a signalized intersection. Therefore, many signalized intersections will not require any accessible pedestrian signals.''

Four of the commenters supported this language. The other commenter believes that although the term ''many'' is technically accurate regarding the number of intersections where the primary technique (used by pedestrians with visual disabilities to cross streets at signalized intersections) is effective, it understates current reality. The commenter further indicates that although no data has been published to prove the precise percentage of intersections where the primary non-visual technique to cross an intersection is effective, experience and accumulated knowledge indicate that the vast majority of intersections do not require an accessible pedestrian signal for the execution of a safe crossing. The word, ''majority,'' is preferred when discussing where the primary non-visual technique to cross an intersection is effective. The FHWA believes no change is necessary to this language because as indicated by the commenter, no one has any data to indicate how many intersections may or may not require accessible pedestrian signals. Furthermore, the commenter indicated that the term ''many'' is technically correct. Therefore, since there is no data to support that the use of the word ''many'' is not proper, the FHWA will use the language published in the NPA.

2. In Section 4E.06 Accessible Pedestrian Signals, the FHWA is revising the first GUIDANCE statement to read, ''GUIDANCE: If a particular

signalized intersection presents difficulties for pedestrians who have visual disabilities to cross safely and effectively, an engineering study should be conducted that considers the safety and effectiveness for pedestrians in general, as well as the information needs of pedestrians with visual disabilities.''

Four of the commenters support this language. The fifth commenter believes the language in the current MUTCD should be retained and a new sentence be added regarding an engineering study. The commenter reasons that local traffic engineers should be given the greatest level of flexibility to address the needs of their local community. The FHWA believes the language in Section 4E.06 of the May 17, 2001, NPA and the information in Chapter 4B of the MUTCD concerning engineering studies and engineering judgment adequately addresses the needs of all pedestrians and pedestrians who may have visual disabilities. Whether to install a traffic signal, or to install or add pedestrian signals with or without accessible pedestrian signals is and always has been a State or local public agency decision. The need for an engineering study is clearly also articulated in Chapter 2B of the MUTCD and in the first and second GUIDANCE statements of Section 4E.06. The FHWA does not believe that the proposed text diminishes how a traffic engineer will address a request for accessible pedestrian signals, and that the engineer will examine the needs of all pedestrians and find solutions within the means of his/her jurisdiction to any discovered issue.

3. In Section 4E.06 Accessible Pedestrian Signals, the FHWA is revising the second paragraph of the second SUPPORT statement to read, ''Local organizations, providing support services to pedestrians who have visual and/or hearing disabilities, can often act as important advisors to the traffic engineer when consideration is being given to the installation of devices to assist such pedestrians. Additionally, orientation and mobility specialists or similar staff also might be able to provide a wide range of advice. The U.S. Access Board's Document A–37, 'Accessible Pedestrian Signals,' provides various techniques for making pedestrian signal information available to persons with visual disabilities.'' All five of the commenters support this language.

4. In Section 4E.06 Accessible Pedestrian Signals, the FHWA is deleting the second GUIDANCE statement from the MUTCD. This statement covered the consideration of advice from organizations that represent individuals with disabilities (this consideration is already covered in the second SUPPORT statement), and covered the process of determining whether accessible pedestrian signals are needed and the cost considerations (the process is already covered in the revised first GUIDANCE statement that discusses an engineering study. An engineering study covers the consideration of cost).

Four of the commenters support the deletion of this language. The fifth commenter believes that without this text there will be a tendency to give deference to organizations and agencies controlled by professionals in the field. The commenter believes that it is imperative that traffic engineers also seek the advice of organizations representing the blind and visually impaired and from local members of the blind and visually impaired community. The FHWA believes that this deletion will not result in traffic engineers giving deference to just ''organizations and agencies controlled by professionals in the field.'' The text stated that ''Advice from organizations who represent pedestrians * * * should be given deference.'' Deleting this text eliminates this language. Additionally, the FHWA believes that the SUPPORT information in the revised second paragraph of the second SUPPORT statement provides three different types of ways for traffic engineers to receive input, in addition to the members of the local blind and visually impaired community who initiated the request.

The fifth commenter was concerned with the deletion of the second paragraph of the second GUIDANCE statement because ''a request from a single individual or a small number of individuals may initiate a study and examination of whether APS's [accessible pedestrian signals] should be installed.'' The FHWA believes the revised text adequately provides guidance on when engineering studies of a signalized intersection should be conducted and that the second paragraph of the second GUIDANCE statement is no longer needed. Engineering studies can examine numerous tools to assist pedestrians, including accessible pedestrian signals.

Rulemaking Analysis and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of U.S. Department of Transportation regulatory policies and procedures. The economic impact of this rulemaking will be minimal. The changes in this interim final rule provide additional guidance and support information relating to the decisionmaking process concerning whether or not to install accessible pedestrian signals. The FHWA believes that the uniform application of traffic control devices will greatly improve the traffic operations efficiency and roadway safety. The standards, guidance, and support are also used to create uniformity and to enhance safety and mobility at little additional expense to public agencies or the motoring public. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this action on small entities. This interim final rule only revises guidance and support information related to the decisionmaking process concerning accessible pedestrian signals in the MUTCD. The changes are intended to improve traffic operations and safety, to expand guidance, and to clarify the application of traffic control devices as related to accessible pedestrian signals. The FHWA hereby certifies that these revisions will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This action will not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Public Law 104–4, March 22, 1995, 109 Stat. 48). This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1531 *et seq.*).

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and the FHWA has determined that this action does not have a substantial direct effect or sufficient federalism implications on States and local governments that would limit the policymaking discretion of the States and local governments. This action merely adds guidance and supporting information for the decisionmaking process concerning whether or not to install accessible pedestrian signals. The FHWA has also determined that this action will not preempt any State law or regulation or

affect the State's ability to discharge traditional State government functions.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175, dated November 6, 2000, and believes that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal law. This action merely adds guidance and supporting information for the decisionmaking process concerning whether or not to install accessible pedestrian signals. Therefore, a tribal summary impact statement is not required.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA has determined that this action does not contain a collection of information requirement for purposes of the PRA.

Executive Order 12988 (Civil Justice Reform)

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

Executive Order 13045 (Protection of Children)

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

Executive Order 12630 (Taking of Private Property)

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

Executive Order 13211 (Energy Effects)

We have analyzed this interim final rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a significant energy action under that order because it is not a significant regulatory action under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects under Executive Order 13211 is not required.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it will not have any effect on the quality of the environment.

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 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.

List of Subjects in 23 CFR Part 655

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Signs, Traffic regulations.

Issued on: February 8, 2002.

Mary E. Peters,

Administrator, Federal Highway Administrator.

The FHWA hereby amends chapter I of title 23, Code of Federal Regulations, part 655 as set forth below:

PART 655—TRAFFIC OPERATIONS

1. The authority citation for part 655 continues to read as follows:

Authority: 23 U.S.C. 101(a), 104, 109(d), 114(a), 217, 315, and 402(a); 23 CFR 1.32; and 49 CFR 1.48(b).

Subpart F—Traffic Control Devices on Federal-Aid and Other Streets and Highways

2. Revise § 655.601(a) to read as follows:

§ 655.601 Purpose.

* * * * *

(a) Manual on Uniform Traffic Control Devices (MUTCD), 2000 Millennium Edition, FHWA, dated December 2000, including Errata No. 1 to MUTCD 2000 Millennium Edition dated June 14, 2001, and Revision No. 1 dated December 28, 2001. This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These documents are available for inspection and copying at the Federal Highway Administration, 400 Seventh Street, SW., Room 3408, Washington, DC 20590, as provided in 49 CFR Part 7. The text is also available from the Federal Highway Administration's Office of Transportation Operation's website at: *http://mutcd.fhwa.dot.gov.*

* * * * *

[FR Doc. 02–3619 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–22–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in March 2002. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

EFFECTIVE DATE: March 1, 2002.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying

plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to part 4022).

Accordingly, this amendment (1) adds to Appendix B to part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during March 2002, (2) adds to Appendix B to part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during March 2002, and (3) adds to Appendix C to part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during March 2002.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 5.60 percent for the first 25 years following the valuation date and 4.25 percent thereafter. These interest assumptions are represent a decrease (from those in effect for February 2002) of 0.20 percent for the first 25 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 4.50 percent for the period during which a benefit is in pay status, and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for February 2002) of 0.25 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during March 2002, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

2. In appendix B to part 4022, Rate Set 101, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
101	3–1–02	4–1–02	4.50	4.00	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 101, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
101	3–1–02	4–1–02	4.50	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*		*	*
March 2002	.0560	1–25	.0425	>25	N/A	N/A

Issued in Washington, DC, on this 8th day of February 2002.

Steven A. Kandarian,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 02–3779 Filed 2–14–02; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

[Department of the Treasury Circular, Public Debt Series, No. 2–86]

Regulations Governing Book-Entry Treasury Bonds, Notes and Bills

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Interim rule with request for comments.

SUMMARY: The Department of the Treasury is making technical changes to the Regulations Governing Book-Entry Treasury Bonds, Notes and Bills held in the commercial book-entry system (the ''TRADES regulations''), so that they conform to certain provisions in Revised Article 9 of the Uniform Commercial Code—Secured Transactions. In addition, Treasury is rewriting the TRADES regulations in plain language, without any additional substantive changes.

DATES: Effective February 15, 2002. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of February 15, 2002. To be considered, comments must be received no later than April 1, 2002.

ADDRESSES: Submit comments to Walter Eccard, Chief Counsel; or Geraldine Porco-Hubenko, Attorney-Adviser; Office of the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, 999 E Street, Room 501, Washington DC 20239 or by e-mail at: *Walter.Eccard@bpd.treas.gov* or *Geraldine.Porco@bpd.treas.gov.* See Supplementary Information section for electronic access.

FOR FURTHER INFORMATION CONTACT: Walter Eccard, Chief Counsel; Geraldine J. Porco-Hubenko, Attorney-Adviser; or Sandy Dyson, Attorney-Adviser; at (202) 691–3520.

SUPPLEMENTARY INFORMATION:

Electronic Access

Copies of this notice are available for downloading from the Bureau of the Public Debt home page at: *http://www.publicdebt.treas.gov.*

Background

The Treasury/Reserve Automated Debt Entry System (TRADES) rules, 61 FR 43626, were issued on August 23, 1996 by the Department of the Treasury. The TRADES rules generally are based on the 1994 Uniform Commercial Code Article 8, ''Investment Securities'' (''Revised Article 8''). The rules specify which jurisdiction's law governs certain matters related to Treasury securities in TRADES or the commercial book-entry system. As more fully described in Appendix B, Persons holding Treasury book-entry securities in TRADES hold their interest in such securities in a tiered system of ownership accounts. In addition, several Government Sponsored Enterprises (GSEs) have issued rules that are modeled on the TRADES regulations.

Revised Article 9

U.C.C. Revised Article 9 is a substantial revision of the uniform law on secured transactions. It has now been adopted by 50 states and the District of Columbia. Revised Article 9 (with conforming amendments) amends certain provisions of Revised Article 8 (with conforming amendments).

By a separate notice published in the **Federal Register** (66 FR 33832, June 26, 2001), we addressed those states whose statutes we had previously determined were ''substantially identical'' to the uniform version of Revised Article 8 for purposes of interpreting the TRADES regulations. We confirmed that the adoption by a state of amendments to Revised Article 8 contained in Revised Article 9 does not affect that earlier determination. We noted, however, that we had identified several provisions in Revised Article 9 that might require technical or conforming changes to the TRADES regulations. This rulemaking document makes those changes. They are:

- *Section 357.11(b).* The current TRADES provision is closely based on the choice of law rules in U.C.C. 8–110, which has been amended by Revised Article 9 (see § 9–305(a)(3) and § 8–110(e)(1)). These new provisions provide, in effect, that an agreement between a securities intermediary and its entitlement holder may expressly specify a jurisdiction exclusively for purposes of Revised Article 8. New Section 357.11(b)(1) conforms to this provision. This change will allow Treasury securities transactions to continue to be subject to the same rules that are applicable to other securities. In other words, without this change, the TRADES rules, which are Federal law and preempt state law, would not provide for the new choice of law option available under state law (the U.C.C.) that applies to other securities subject to state law.
- *Section 357.11(d).* The TRADES regulations provide that the law of the jurisdiction in which the Person creating a security interest (e.g., the debtor) is located, governs whether and how the security interest may be perfected, either automatically or by filing a financing statement. In the TRADES commentary (Appendix B, Section-by-Section Analysis, Section 357.11), we stated, ''the language 'is located' is intended to conform to its meaning under applicable law, as it may be amended from time to time. See, *e.g.*, U.C.C. section 9–103(3)(d).'' Former U.C.C. 9–103(3)(d) provided that a debtor was deemed to be located ''at his

place of business if he has one, at his chief executive office if he has more than one place of business, otherwise at his residence.''

Section 9–307 of Revised Article 9 amends prior law on the location of the debtor. New TRADES Section 357.11(d) provides that the location of a Person is determined by state law, including Revised Article 9. The changes are being made to make clear that the new debtor location rule in Revised Article 9 may be applied in TRADES § 357.11(c), and to eliminate any possible ambiguity under the former rules or commentary.

It is desirable that these changes, which are minor or technical in nature, become effective as soon as possible to maintain consistency in treatment of U.S. securities transactions with the commercial law applicable to non-U.S. securities. As noted above, all 50 states plus the District of Columbia have enacted Revised Article 9, the vast majority with an effective date of July 1, 2001. For these reasons, this rule is being issued in interim form becoming effective on the date of publication, in accordance with the provisions of 5 U.S.C. 553. After receiving and considering any comments, we will issue a final rule. At that time, we intend to supplement Appendix B with an update describing these changes.

We also intend to continue to coordinate with the GSEs and other agencies that have rules modeled on the TRADES rules, in an effort to maintain consistency among all these rules. All GSEs, except HUD and TVA, reiterate the TRADES provisions, and thus would need to be changed. HUD and TVA regulations provide that §§ 357.2 and 357.11 apply and should be read as though modified to effectuate their application to the GSE securities.

Federal Preemption

• *Sections 357.10(c) and 357.11(e).* These provisions, along with the new definition of ''Revised Article 9'' in § 357.2, merely clarify that if a state has enacted either the Uniform Commercial Code, Revised Article 8, Investment Securities (with Conforming and Miscellaneous Amendments to Articles 1, 3, 4, 5, 9 and 10) 1994 Official Text, or the most current version of Article 8 (as amended by the 1999 Revised Article 9), then Federal law as prescribed by §§ 357.10(c) and 357.11(e) does not apply.

We noted above that 50 states plus the District of Columbia have enacted Revised Article 9. Furthermore, we recently published **Federal Register** notices acknowledging that Rhode Island and South Carolina have adopted Revised Article 9. In Appendix B of § 357, we stated that current §§ 357.10(c) and 357.11(d) would be deleted once the state adoption process was complete. However, at the present time, the Virgin Islands and other territories and possessions have not adopted Revised Article 9, and are subject to Article 8 preemption. We invite comments as to whether the preemption provisions in §§ 357.10(c) and 357.11(d) should nonetheless be removed, and if so, what impact, if any, this action might have.

Plain Language

Executive Order 12866 directs that regulations be written in plain language. In this rule, we are rewriting 31 CFR part 357, Subpart B, in plain language. This is intended to make the regulations easier to comprehend; no substantive changes are intended. In addition, where TRADES adopts Revised Article 8, the plain language rewrite in TRADES is not intended to substantively change the Revised Article 8 rule. We have retained the existing order and numbering scheme for the sections in Subpart B, except that we moved § 357.44 from Subpart D to § 357.15 in Subpart B, because it relates to TRADES.

Request for Comments

In addition to comments on substantive changes, we invite comments on whether this Interim Rule is clear, and whether the regulations can be made easier to understand.

Procedural Requirements

This interim rule is not a ''significant regulatory action'' as defined in Executive Order 12866. Although it is being issued for comment in order to secure the benefit of public comment, the notice and public comment procedures requirements of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2). As no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

This regulation does not contain a collection of information, and therefore the Paperwork Reduction Act does not apply.

List of Subjects in 31 CFR Part 357

Bonds, Electronic funds transfer, Federal Reserve System, Government securities, Incorporation by reference, Securities.

For the reasons discussed in the preamble, the Department of the Treasury amends 31 CFR part 357, as follows:

PART 357—REGULATIONS GOVERNING BOOK-ENTRY TREASURY BONDS, NOTES AND BILLS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 2–86)

1. The authority citations for part 357 continue to read as follows:

Authority: 31 U.S.C. Chapter 31; 5 U.S.C. 301; 12 U.S.C. 391.

2. Section 357.2 is amended by revising the definition for ''Revised Article 8'' and adding a definition for ''Revised Article 9'' to read as follows:

§ 357.2 Definitions.

* * * * *

Revised Article 8 means Uniform Commercial Code, Revised Article 8, Investment Securities (with Conforming and Miscellaneous Amendments to Articles 1, 3, 4, 5, 9 and 10) 1994 Official Text. The Director of the Federal Register approves the incorporation by reference of Revised Article 8 of the Uniform Commercial Code in this part, pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. Revised Article 8 was adopted by the American Law Institute and the National Conference of Commissioners On Uniform State Laws and approved by the American Bar Association on February 14, 1995. Copies of Revised Article 8 are available from the Executive Office of the American Law Institute, 4025 Chestnut Street, Philadelphia, PA 19104, and the National Conference of Commissioners on Uniform State Laws, 211 East Ontario Street, Suite 1300, Chicago, IL 60611. Copies are also available for public inspection at the Department of the Treasury Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, and at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

Revised Article 9 means Uniform Commercial Code, Revised Article 9, Secured Transactions (with conforming amendments to Articles 1, 2, 2A, 4, 5, 6, 7, and 8), 1999 official text. The Director of the Federal Register approves the incorporation by reference of Revised Article 9 of the Uniform Commercial Code in this part, pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. Revised Article 9 was approved by the American Law Institute and the National Conference of Commissioners On Uniform State Laws in 1998. Copies of Revised Article 9 are available from the Executive Office of the American Law Institute, 4025 Chestnut Street, Philadelphia, PA 19104, and the

National Conference of Commissioners on Uniform State Laws, 211 East Ontario Street, Suite 1300, Chicago, IL 60611. Copies are also available for public inspection at the Department of the Treasury Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

* * * * *

3. Subpart B is revised to read as follows:

Subpart B—Treasury/Reserve Automated Debt Entry System (TRADES)

357.10 Laws governing a Treasury book-entry security, TRADES, and security interests or entitlements.
357.11 Laws governing other interests in Treasury securities.
357.12 A Participant's Security Entitlement.
357.13 Obligations of the United States and the Federal Reserve Banks with respect to Book-entry Securities and security interests.
357.14 What authority does a Federal Reserve Bank have?
357.15 How can a debtor's interest in a Security Entitlement be reached by creditors?

§ 357.10 Laws governing a Treasury book-entry security, TRADES, and security interests or entitlements.

(a) *What law governs the rights and obligations of the United States and the Federal Reserve Banks; and the rights of any Person against the United States and the Federal Reserve Banks?* Except as we provide in paragraph (b) of this section, the following are governed solely by Treasury regulations, including the regulations of this part, the applicable offering circular (which is 31 CFR part 356, in the case of securities issued on and after March 1, 1993), the announcement of the offering, and Federal Reserve Bank Operating Circulars:

(1) The rights and obligations of the United States and the Federal Reserve Banks with respect to a Book-entry Security or Security Entitlement and the operation of TRADES, and

(2) The rights of any Person, including a Participant, against the United States and the Federal Reserve Banks with respect to a Book-entry Security or Security Entitlement and the operation of TRADES.

(b) *What law governs security interests in Security Entitlements that are not recorded on a Federal Reserve Bank's books?* See the following table:

If a security interest in a security entitlement is—	And it is—	Then it is governed by—
(1) in favor of a Federal Reserve Bank from a Participant.	not recorded on the books of a Federal Reserve Bank pursuant to § 357.12(e)(2).	the law (not including the conflict-of-law rules) of the jurisdiction where the head office of the Federal Reserve Bank maintaining the Participant's Securities Account is located.
(2) in favor of a Federal Reserve Bank from a Person that is not a Participant.	not recorded on the books of a Federal Reserve Bank pursuant to § 357.12(e)(2).	the law determined in the manner specified in § 357.11.

(c) *What law governs if the jurisdiction in paragraph (b)(1) of this section did not adopt Revised Article 8, or Revised Article 8 as amended by Revised Article 9 (both incorporated by reference, see Sec. 357.2)?* The law specified in paragraph (b)(1) of this section shall be the law of that State as though that State adopted Revised Article 8.

§ 357.11 Laws governing other interests in Treasury securities.

(a) *What does the law (not including the conflict-of-law rules) of a Securities Intermediary's jurisdiction govern?* To the extent not inconsistent with these regulations, the law (not including the conflict-of-law rules) of a Security Intermediary's jurisdiction governs the following:

(1) When a Person acquires a Security Entitlement from the Securities Intermediary;

(2) The rights and duties of the Securities Intermediary and Entitlement Holder that arise out of a Security Entitlement;

(3) Whether the Securities Intermediary owes any duties to an adverse claimant to a Security Entitlement;

(4) Whether a Person may assert an Adverse Claim against a Person who acquires a Security Entitlement from the Securities Intermediary or against a Person who purchases a Security Entitlement or interest therein from an Entitlement Holder; and

(5) The perfection, effect of perfection or non-perfection and priority of a security interest in a Security Entitlement (except as otherwise provided in paragraph (c) of this section).

(b) *What is the "Securities Intermediary's jurisdiction" for purposes of this section?* See the following table:

If . . .	Then the securities intermediary's jurisdiction is . . .
(1) An agreement between the Securities Intermediary and its Entitlement Holder governing the securities account expressly provides that a particular jurisdiction is the Securities Intermediary's jurisdiction for purposes of Part 1 of Article 8 of the Uniform Commercial Code, Article 8 of the Uniform Commercial Code, or the Uniform Commercial Code.	the jurisdiction agreed upon.
(2) An agreement between the Securities Intermediary and its Entitlement Holder governing the securities account expressly provides that it is governed by the law of a particular jurisdiction.	the jurisdiction agreed upon.
(3) The statements in paragraphs (b)(1) and (2) of this table do not apply, but the agreement expressly specifies that the securities account is maintained at an office in a particular jurisdiction.	the jurisdiction where the office is located.
(4) The statements in paragraphs (b)(1) through (3) of this table do not apply and an account statement identifies the office serving the Entitlement Holder's account.	the jurisdiction where the office is located.
(5) None of the statements in paragraphs (b)(1) through (4) of this table apply	the jurisdiction in which the chief executive office of the Securities Intermediary is located.

(c) *What law governs the perfection of a security interest automatically or by filing?* The law (but not the conflict-of-law rules) of the jurisdiction in which the Person creating a security interest is located governs whether and how the security interest may be perfected automatically or by filing a financing statement. (This is despite the general rule in (a)(5) of this section).

(d) *Where is a Person located, for purposes of paragraph (c) of this section?* A Person's location is determined under state law, including Revised Article 9 (incorporated by reference, see § 357.2), as it may be amended from time to time.

(e) *What law governs if the jurisdiction in table (b) of this section did not adopt Revised Article 8 or Revised Article 8 as amended by Revised Article 9 (both incorporated by reference, see § 357.2)?* The law for the matters specified in paragraph (a) of this section shall be the law of that State as though the State adopted Revised Article 8.

(f) *What other rules apply?* For purposes of the matters specified in paragraph (a) of this section, the Federal Reserve Bank maintaining the Securities Account is a clearing corporation and the Participant's interest in a Book-entry Security is a Security Entitlement.

§ 357.12 A Participant's Security Entitlement.

(a) *How is a Participant's Security Entitlement created?* A Federal Reserve Bank indicates by book entry that a Book-entry Security has been credited to a Participant's Securities Account.

(b) *What else do I need to know about a Participant's Security Entitlement?* See the following table:

If a security interest in a security entitlement of a participant . . .	Then . . .
(1) Meets all of the following criteria: (i) is in favor of the United States (ii) is marked on the books of a Federal Reserve Bank ..... (iii) is to secure deposits of public money (including without limitation deposits to the Treasury tax and loan accounts, or other security interested required by Federal statute, regulation, or agreement).	it is created; it is perfected; and it has priority over any other interest in the securities.

(c) *What is the effect of the marking of a security interest in favor of the United States in a Security Entitlement of a Participant on the books of a Federal Reserve Bank?* Where a security interest in favor of the United States in a Security Entitlement of a Participant is marked on the books of a Federal Reserve Bank, such Reserve Bank may rely, and is protected in relying, exclusively on the order of an authorized Representative of the United States directing the transfer of the Security.

(d) *Who is an authorized Representative of the United States, for purposes of paragraph (c) in this section?* The official designated in the applicable regulations or in an agreement to which a Federal Reserve Bank is a party, governing the security interest.

(e)(1) *Must the United States and the Federal Reserve Banks agree to act on behalf of any Person or to recognize the interest of any transferee of a security interest or other limited interest in favor of any Person?* No, they need not agree to act or recognize any party's interest, except:

(i) To the extent of any specific requirement of Federal law or regulation, or

(ii) To the extent set forth in any specific agreement with the Federal Reserve Bank on whose books the interest of the Participant is recorded.

(2) *May a security interest be created and perfected by a Federal Reserve Bank marking its books?* Yes, a security interest in a Security Entitlement that is in favor of a Federal Reserve Bank or a Person may be created and perfected by a Federal Reserve Bank marking its books to record the security interest to the extent required by law, regulation, or an agreement with a Federal Reserve Bank or the Federal Reserve Bank Operating Circular.

(3) *Does this security interest have priority over other interests?* A security interest in a Security Entitlement marked on the books of a Federal Reserve Bank has priority over any other interest in the securities, except a security in favor of the United States, as provided in table (b) of this section.

(4) *In addition to the method provided in paragraph (e)(2) of this section, may a security interest, including a security interest in favor of a Federal Reserve Bank, be perfected in another way?* Yes, a security interest may be perfected by any method under applicable law as described in §357.10(b) or §357.11.

(i) The applicable law governs the perfection, effect of perfection or non-perfection and priority of a security interest.

(ii) A security interest in favor of a Federal Reserve Bank shall be treated as a security interest in favor of a clearing corporation in all respects under that law.

(iii) A Federal Reserve Bank Operating Circular shall be treated as a rule adopted by a clearing corporation for these purposes.

§ 357.13 Obligations of the United States and the Federal Reserve Banks with respect to Book-entry Securities and security interests.

(a) *Who is entitled to deal with an interest in a Book-entry Security that has been credited to a Participant's Security Account?* Except in the case of a security interest in favor of the United States or a Federal Reserve Bank or otherwise as provided in § 357.12 (e), for the purposes of this subpart B, the United States and the Federal Reserve Banks treat the Participant as exclusively entitled to perform the following functions, even if the Treasury or a Federal Reserve Bank has any information or notice to the contrary:

(1) Issue a Transfer Message,

(2) Receive interest and other payments with respect thereof, and

(3) Exercise all the rights and powers with respect to the Security,

(b) *Are the Federal Reserve Banks and Treasury liable for Adverse Claims?* The Federal Reserve Banks and Treasury are not liable to a Person asserting or having an Adverse Claim to a Security Entitlement or to a Book-entry Security in a Participant's Securities Account. This includes any such claim arising as a result of the transfer or disposition of a Book-entry Security by a Federal Reserve Bank, pursuant to a Transfer Message that the Federal Reserve Bank reasonably believes to be genuine.

(c) *When is the obligation of the United States to pay interest and principal with respect to Book-entry Securities discharged?* The obligation is discharged once payment is made as follows:

(1) A Federal Reserve Bank credits the appropriate amount of interest on Book-entry Securities to a Funds Account maintained at the Bank, or pays it as directed by the Participant.

(2) Book-entry Securities are redeemed according to their terms, a Federal Reserve Bank withdraws the securities from the Participant's Securities Account in which they are maintained, and either:

(i) Credits the amount of the Redemption proceeds, including both principal and interest, where applicable, to a Funds Account at the Bank, or

(ii) Pays such principal and interest as directed by the Participant.

(d) *What does a Participant need to do in connection with the Redemption of a Book-entry Security?* No action by the Participant is required.

§ 357.14 What authority does a Federal Reserve Bank have?

(a) Each Federal Reserve Bank has the authority as fiscal agent of the United States to:

(1) Perform functions with respect to the issuance of Book-entry Securities offered and sold by the Department to which this subpart applies, in accordance with the terms of the applicable offering circular and with procedures established by the Department;

(2) Service and maintain Book-entry Securities in accounts established for such purposes;

(3) Make payments of principal and interest, as directed by the Department;

(4) Effect transfer of Book-entry Securities between Participants' Securities Accounts as directed by the Participants; and

(5) Perform such other duties as fiscal agent that the Department may request.

(b) Each Federal Reserve Bank may issue Operating Circulars that are consistent with this part, governing the details of its handling of Book-entry Securities, Security Entitlements, and the operation of the book-entry system under this part.

§ 357.15 How can a debtor's interest in a Security Entitlement be reached by creditors?

(a) The interest of a debtor may be reached by creditors only by legal process upon the Securities Intermediary with whom the debtor's securities account is maintained. Exception: If a Security Entitlement is maintained in the name of a secured party, the debtor's interest may be reached by legal process upon the secured party.

(b) These regulations do not state whether a Federal Reserve Bank is required to honor an order or other notice of attachment in any particular case or class of cases.

§ 357.44 [Removed]

4. Section 357.44 is removed.

Dated: February 6, 2002.

Donald V. Hammond,

Fiscal Assistant Secretary.

[FR Doc. 02–3737 Filed 2–14–02; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–02–010]

Drawbridge Operation Regulations:Saugatuck River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metro North Saga Bridge, mile 1.1, across the Saugatuck River in Connecticut. This temporary deviation will allow the bridge to remain in the closed position from 6 a.m. on February 12, 2002, through 7 p.m. on March 11, 2002. This temporary deviation is necessary to facilitate structural repairs at the bridge.

DATES: This deviation is effective from February 12, 2002, through March 11, 2002.

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

SUPPLEMENTARY INFORMATION: The Metro North Saga Bridge has a vertical clearance in the closed position of 13 feet at mean high water and 20 feet at mean low water. The existing regulations are listed at 33 CFR 117.221.

The bridge owner, Metro North, requested a temporary deviation from the drawbridge operating regulations to facilitate structural maintenance, replacement of the floor beams, at the bridge. The bridge can not be opened during these structural repairs.

The bridge opening records indicate this bridge has not received any requests to open during the requested closure time during the past four years; therefore, no navigational impacts to the marine transit system are expected.

This deviation from the drawbridge operation regulations will allow the bridge to remain in the closed position from 6 a.m. on February 12, 2002, through 7 p.m. on March 11, 2002.

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

Dated: February 7, 2002.

G.N. Naccara,

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

[FR Doc. 02–3694 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[CAO–70–FOA; FRL–7143–2]

Clean Air Act Attainment Finding; Bullhead City and Payson Nonattainment Areas, AZ; Sacramento and San Bernardino Nonattainment Areas, CA; Particulate Matter of 10 Microns or Less (PM–10)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has determined that the Bullhead City and Payson moderate PM–10 nonattainment areas in Arizona and the Sacramento and San Bernardino moderate PM–10 nonattainment areas in California have attained the National Ambient Air Quality Standard (NAAQS) for Particulate Matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10) by the applicable December 31, 2000, attainment date. This determination is based upon monitored air quality data for the PM–10 NAAQS during the years 1998–2000. This determination of attainment does not redesignate the Bullhead City, Payson, Sacramento and San Bernardino areas to attainment for PM–10. The Clean Air Act requires that, for an area to be redesignated, five criteria must be satisfied including the submittal of a maintenance plan as a State Implementation Plan (SIP) revision. This action also corrects the effective date listed for the moderate nonattainment classification for Bullhead City.

EFFECTIVE DATE: This rule is effective on March 18, 2002.

ADDRESSES: Copies of documents relevant to this action are available for public inspection during normal business hours at the Air Planning Office of the Air Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California, 94105–3901.

FOR FURTHER INFORMATION CONTACT: Eleanor Kaplan, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region 9, (415) 947–4147 or *kaplan.eleanor@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'', or ''our'' are used, we mean the Environmental Protection Agency (EPA).

Background

On July 25, 2001 (see 66 FR 38603), EPA published a notice of proposed

rulemaking that announced our proposed finding that the moderate nonattainment areas of Bullhead City and Payson in Arizona and the moderate nonattainment areas of San Bernardino and Sacramento in California have attained the National Ambient Air Quality Standards (NAAQS) for particulate matter of nominal aerodynamic diameters smaller than 10 micrometers (PM–10). The rationale for EPA's finding was explained in the proposal and will not be restated here. In the proposed rule, we also indicated that we were correcting the effective date for our classification of Bullhead City as moderate nonattainment for PM–10 in part 81 of title 40 of the Code of Federal Regulations. The proposed rule provided for a 30-day public comment period which ended on August 24, 2001.

Public Comment and EPA Responses

During the 30-day comment period, we received two comment letters: one from the California Air Resources Board (CARB) dated August 24, 2001, and one from the Sacramento Metropolitan Air Quality Management District (''District'') dated August 21, 2001. These two letters include specific comments that are relevant to this rulemaking. In addition, they contain comments that are not relevant to this particular action but relate instead to the original redesignation of Sacramento County as nonattainment for PM–10. During the 30-day comment period, we received no comments related to the Bullhead City and Payson PM–10 nonattainment areas. Subsequent to the 30-day comment period, however, the Arizona Department of Environmental Quality (ADEQ) notified us of an error in the data table for the Payson area that was included in the proposed attainment finding, and we have addressed that comment in this final action. We have considered all of the comments received and are providing the following responses.

Comment: CARB agrees with EPA's proposed finding that the Sacramento and San Bernardino PM–10 nonattainment areas have attained the standard. The District expresses its support for the proposed finding for Sacramento County.

Response: With this action and consistent with section 188(b)(2) of the Act, EPA is finalizing its attainment findings with respect to all four PM–10 nonattainment areas listed in the proposed rule: The Bullhead City and Payson PM–10 nonattainment areas in Arizona and the Sacramento and San Bernardino PM–10 nonattainment areas in California.

Comment: Both CARB and the District urge EPA to correct the original redesignation of Sacramento County in 1993 as a PM–10 nonattainment area based on the adverse findings of a data audit conducted by CARB in 1996 on the District's PM–10 data that formed the basis for our nonattainment redesignation. CARB asserts that EPA staff concurred with their findings of invalid data, notes that EPA has used its authority under section 110(k)(6) to correct nonattainment designations in other areas based on information not available at the time of the original nonattainment designation, and notes the drain on resources necessary to develop and approve a maintenance plan. Lastly, both CARB and the District note that EPA has not formally responded to CARB's 1996 letter requesting this corrective action.

Response: These comments are not relevant to this rulemaking because they do not raise questions concerning the validity of the PM–10 data (from the 1998–2000 period) that provided us with the basis for our proposed attainment finding. With respect to CARB's request for a correction of our PM–10 nonattainment redesignation of Sacramento County, we note that we recently provided CARB with a written response indicating that such a corrective action by EPA will not be forthcoming. In that written response, we provide responses to the additional comments that CARB and the District raise on the redesignation issue in their comment letters on the proposed attainment finding. EPA is aware of the competing demands on a State's resources particularly when it is in nonattainment status for more than one criteria pollutant, and we remain committed to working cooperatively with CARB and the District in resolving these planning issues.

Comment: The District states: ''* * * there may be a typo in the data table, Summary of PM–10 Air Quality Sacramento County 1998–2000, on page 38607 of the **Federal Register**. The highest 24-hour PM–10 concentration for the Sacramento-Branch Center monitoring site in 1998 is incorrectly listed as 86 μg/m^3, while it is correctly recorded as 81 μg/m^3 in the EPA AIRS database and District records.''

Response: EPA has reviewed the referenced data in the AIRS database and concurs with the District that the proposal for this notice contained a typographical error in citing the 1998 data for the Sacramento Branch Center monitoring site. The corrected table for Sacramento reads as follows:

SUMMARY OF PM–10 AIR QUALITY SACRAMENTO COUNTY 1998–2000

Site	Highest 24 hour concentration (μg/m^3)			Annual average (μg/m^3)			3-year annual average (μg/m^3)
	1998	1999	2000	1998	1999	2000	
North Highlands	73	73	82	22	26	23	24
Del Paso	104	141	58	22	27	21	23
Sacramento—Health Center	79	88	86	23	25	31	26
Sacramento—Branch Center Rd	81	86	56	27	33	27	29
Sacramento—T Street	75	99	64	23	29	25	26

Comment: ADEQ requested a correction of the number given for the 1999 maximum 24-hour PM–10 concentration in Payson contained in the proposal to 56 μg/m^3 instead of the number that was given.

Response: EPA has reviewed the referenced data and concurs with ADEQ that the proposal for this notice contained an error in citing the 1999 data for the Payson monitoring site. The corrected table for Payson reads as follows:

SUMMARY OF 24 HOUR AND ANNUAL PM–10 CONCENTRATIONS (μG/M³) PAYSON 1998–2000

	Year		
	1998 *	1999	2000
Maximum 24 Hour Concentration	69	56	88
Annual Average	24	29	24
3-Year Annual Average		26	

EPA's Final Action

After consideration of the relevant comments received, we have decided to finalize our determination under section 188(b)(2) of the Act that the Bullhead City, Payson, Sacramento and San Bernardino nonattainment areas have attained the PM–10 NAAQS by the applicable attainment date. This finding should not be confused with a redesignation to attainment under section 107(d) of the Act. The designation status in 40 CFR part 81 will remain moderate nonattainment for these four PM–10 nonattainment areas until such time as EPA finds that these areas have met the requirements under the Act for redesignation to attainment.

In the proposal for this action EPA stated that the current Code of Federal Regulations (CFR), Part 81.303, gives an incorrect date, namely January 20, 1990, for the classification of Bullhead City as a ''moderate'' PM–10 nonattainment area. In this action, EPA is correcting the current Code of Federal Regulations (CFR), 40 CFR 81.303, so that the date of Bullhead City's nonattainment classification as moderate appears as January 20, 1994.

EPA is correcting the table contained in the proposal for this action titled ''Summary of PM–10 Air Quality Sacramento County 1998–2000'' to show that the highest 24-hour PM–10 concentration for the Sacramento-Branch Center Road monitoring site in 1998 is listed as 81 μg/m³.

EPA is correcting the table contained in the proposal for this action titled ''Summary of 24 hour and Annual PM–10 Concentrations (μg/m³) Payson 1998–2000'' to show that the 1999 maximum 24 hour PM–10 concentration in Payson is listed as 56 μg/m³.

Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 32111, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely makes a determination based on air quality data and does not impose any requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely makes a determination based on air quality data and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, *5 U.S.C. section* 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by *5 U.S.C. section 804*(2). This rule will be effective March 18, 2002.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 16, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2))

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 28, 2002.

Laura Yoshii,

Deputy Regional Administrator, Region 9.

Part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671, *et seq.*

Subpart D—Arizona

2. In § 81.303, the table for Arizona–PM–10 is amended by revising the entry for Mohave County (part) to read as follows:

§ 81.303 Arizona.

* * * * *

ARIZONA–PM–10

Designation area	Designation		Classification	
	Date	Type	Date	Type
* * *	*	*	*	*
Mohave County (part):				
Bullhead City: T21N, R20–21W, excluding Lake Mead National Recreation Area: T20N, R20–22W; T19N, R21–22W excluding Fort Mohave Indian Reservation.	1/20/94	Nonattainment	1/20/94	Moderate.

* * * * *

[FR Doc. 02–3769 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301213; FRL–6821–7]

RIN 2070–AB78

Diflubenzuron; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for combined residues of diflubenzuron and its metabolites 4-chloroaniline and 4-chlorophenylurea in or on pear. IR-4 requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: This regulation is effective February 15, 2002. Objections and requests for hearings, identified by docket control number OPP–301213, must be received by EPA on or before April 16, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301213 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–3194; and e-mail address: brothers.shaja@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/.* To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm. A frequently updated electronic version of 40 CFR part 180 is available at *http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html,* a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301213. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of December 14, 2001 (66 FR 64823) (FRL–6813–2), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a as

amended by the FQPA of 1996 (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by the Interregional Research Project Number 4 (IR-4), 681 U.S. Highway #1 South, North Brunswick, NJ 08902. This notice included a summary of the petition prepared by Uniroyal Chemical Company, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.377 be amended by establishing a tolerance for combined residues of the insecticide diflubenzuron, N-[[(4-chlorophenyl)amino carbonyl]-2,6-difluorobenzamide] and its metabolites 4-chloroaniline (PCA) and 4-chlorophenylurea (CPU), in or on pear at 0.50 part per million (ppm).

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

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

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for combined residues of diflubenzuron, N-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide and its metabolites PCA and CPU on pear at 0.50 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by diflubenzuron and its metabolites, CPU and PCA have been fully described in the Reregistration Eligibility Decision (RED) document (EPA 738–R–97–008, August 1997).

B. Toxicological Endpoints

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

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

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

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

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

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute dietary (general population including infants and children)	Not applicable	Not applicable	No appropriate endpoint attributable to a single exposure was identified in oral studies. Therefore, a risk assessment is unnecessary.

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

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Chronic dietary (all populations)	NOAEL = 2 milligrams/kilograms/day (mg/kg/day) UF = 100 Chronic RfD = 0.02 mg/kg/day	FQPA SF =1X cPAD = chronic RfD FQPA SF = 0.02 mg/kg/day	Chronic toxicity study-dog LOAEL = 10 mg/kg/day based on methemoglobinemia and sulfhemoglobinemia
Short, intermediate, and long-term dermal (1 to 30 days) (Residential)	Not applicable	Not applicable	These endpoints were not evaluated. There are no registered uses of diflubenzuron which result in significant residential exposure.
Short, intermediate, and long-term dermal (1-6 months) (Residential)	Not applicable	Not applicable	These endpoints were not evaluated. There are no registered uses of diflubenzuron which result in significant residential exposure.
Short, intermediate, and long-term incidental oral (1–6 months) (Residential)	Not applicable	Not applicable	These endpoints were not evaluated. There are no registered uses of diflubenzuron which result in significant residential exposure.
Cancer (oral, dermal, inhalation)	Diflubenzuron ''Group E'' evidence of non-carcinogenicity for humans	Not aplicable	Acceptable oral rat and mouse carcinogenicity studies; no evidence of carcinogenic or mutagenic potential.
Cancer (oral, dermal, inhalation)	PCA ''Group B2'' probably human carcinogen Q_1^* 1.12×10^{-1} (mg/kg/day)	1×10^{-6}	PCA tested positive for splenic tumors in male rats and and heptocellular adenomas/carcinomas in male mice in a National Toxicology Program (NTP) study.
Cancer (oral, dermal, inhalation)	CPU Q_1^* based on monuron a structural analog and the Q_1^* 1.52×10^{-2}	1×10^{-6}	CPU is structurally related to monuron (N,N-dimethyl-CPU), a compound producing tumors of kidney and liver in male rats.

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

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.377) for the combined residues of diflubenzuron. Permanent tolerances are established for residues of the insecticide diflubenzuron in or on the following raw agricultural commodities (RACs): Artichoke at 6.0 ppm; cottonseed at 0.2 ppm; grapefruit at 0.5 ppm; mushroom at 0.2 ppm; orange at 0.5 ppm; rice grain at 0.02 ppm; soybean at 0.05 ppm; tangerine at 0.5 ppm; walnuts at 0.1 ppm; fat, mbyp, and meat of cattle, goats, hogs, horses, sheep at 0.05 ppm; milk at 0.05 ppm; poultry fat, mbyp, meat at 0.05 ppm; and eggs at 0.05 ppm 40 CFR 180.377(a)(1). There are also tolerances with regional registration established in or on pasture grass at 1 ppm and range grass at 3 ppm 180.377(c). Risk assessments were conducted by EPA to assess dietary exposures from diflubenzuron in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. No acute endpoints were identified for diflubenzuron; therefore, an acute dietary exposure analysis was not performed.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment, the Dietary Exposure Evaluation Model (DEEM™) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: For the chronic analysis, anticipated residue information based on field trial data, and percent of crop treated (%CT) information for some commodities were used (Tier 3). A value of 1% was used for %CT values <1%. CPU is the major degradate found in water and mushrooms and is a significant metabolite in milk. EPA has concluded that the residues of concern are diflubenzuron and metabolites PCA and CPU.

iii. *Cancer.* Based on the submitted metabolism studies, there are two possible sources for dietary exposure to PCA and CPU: residues in mushrooms and residues in milk and liver. EPA used the results from metabolism studies to determine the percent of total radioactive residue present as PCA + CPU in mushrooms, milk and liver. For milk and liver, anticipated residues were calculated from the results of the ruminant feeding study using tolerance level residues in animal feed items and adjusting for percent of crop treated. The total levels of PCA + CPU were estimated by multiplying the ratio of (PCA + CPU)/diflubenzuron by the diflubenzuron consumption from DEEM.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a Data Call-In for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used maximum PCT information as follows:

Artichoke 100%, cotton 2%, grapefruit 8%, mushroom 31%, oranges 2%, pears 100%, rice 100%, soybeans 1%, tangerines 4%, walnuts 5%.

The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimated. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which diflubenzuron may be applied in a particular area.

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

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

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

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

EPA has determined that PCA is only a minor metabolite of diflubenzuron in the environment. Drinking water will thus not be considered in the risk assessment for PCA.

Ground water. Based on the SCI-GROW model, EECs of diflubenzuron in shallow ground water sources are not expected to exceed 0.0023 parts per billion (ppb). Estimated concentrations of CPU in shallow ground water sources are not expected to exceed 0.065 ppb. These concentrations can be considered as both the acute and chronic values.

Surface water. Based on Tier II PRZM-EXAM modeling using the index reservoir (IR) scenario and the PC area adjustment factor, the 36–year average annual mean concentration of diflubenzuron in surface water sources is not expected to exceed 0.09 ppb. EECs of CPU in surface water sources are not expected to exceed 0.23 ppb.

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

Diflubenzuron is currently registered for use on the following residential non-dietary sites: Outdoor residential and recreational areas. Although there are no registered homeowner uses, there is potential for professional applications to outdoor residential and recreational areas to control mosquitos, moths, and other insects. However, the potential for post-application residential exposures are expected to be limited. Due to the low dermal absorption rate (0.5%) of diflubenzuron, and since it is only applied to the tree canopy, minimal bystander contact is expected. Therefore, residential post-application exposure was not quanitiatively evaluated.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether diflubenzuron has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, diflubenzuron does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that diflubenzuron has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances November 26, 1997 (62 FR 62961) (FRL–5754–7).

D. Safety Factor for Infants and Children

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

ii. *Prenatal and postnatal sensitivity.* There is no indication of quantitative or qualitative increased susceptibility of rats or rats to *in utero* or postnatal exposure.

iii. *Conclusion.* There is a complete toxicity data base for diflubenzuron and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be reduced to 1X. The FQPA 10X safety factor is removed because: (1) There is no indication of quantitative or qualitative increased susceptibility of rats or rats to *in utero* or postnatal exposure; (2) a developmental neurotoxicity study (DNT) with diflubenzuron is not required; (3) food and drinking water exposure assessments will not underestimate the potential exposure for infants and children; and (4) there are currently no registered or proposed residential (non-occupational) uses of diflubenzuron.

E. Aggregate Risks and Determination of Safety

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

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

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

1. *Acute risk.* An acute risk assessment was not performed because an acute dietary endpoint was not identified and therefore, diflubenzuron is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to diflubenzuron from food will utilize <1% of the cPAD for the U.S. population, 5% of the cPAD for all infants (<1 year old and <1% of the cPAD for children (1-6 years old). Based the use pattern, chronic residential exposure to residues of diflubenzuron is not expected. In addition, there is potential for chronic dietary exposure to diflubenzuron in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 2:

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

Population Subgroup	cPAD mg/kg/day	%cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.02	<1	0.09	0.0023	700
All infants (<1 year old)	0.02	5	0.09	0.0023	190
Children (1–6 years old)	0.02	<1	0.09	0.0023	200

3. *Short-term and intermediate-term risk*. Short-term and intermediate-term risk assessments were not performed since an acute dietary endpoint was not identified and there are no registered or proposed non-food uses resulting in significant residential exposure.

4. *Aggregate cancer risk for U.S. population*. Cancer aggregate risk assessments were not performed for diflubenzuron and PCA. Diflubenzuron is not a carcinogen and PCA is not a significant metabolite in drinking water. The potential cancer risk from dietary (food only), exposure to residues of PCA is 4.7×10^{-7}, which is negligible. The results of the cancer analysis for CPU indicate that the estimated cancer dietary (food only) risk from CPU 3.8×10^{-8} associated with the proposed use of diflubenzuron is below the Agency's level of concern. In addition, there is potential for chronic dietary exposure to CPU in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate cancer risk to exceed EPA's level of concern, as shown in the following Table 3:

TABLE 3.—AGGREGATE CANCER RISK ASSESSMENT FOR EXPOSURE TO CPU

Population	Residential Exposure	Aggregate Cancer Risk (food and residential)	Ground water EEC (ppb)	Surface Water EEC (ppb)	Cancer DWLOC (ppb)
U.S. population	0	3.8×10^{-8}	0.065	0.23	2.2

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate methods are available for the analysis of diflubenzuron in pears. Three enforcement methods for diflubenzuron are published in the Pesticide Analytical Method Volume II (PAM II) as Methods I, II, and III. Method II is a GC/ECD method that can separately determine residues of diflubenzuron, CPU, and PCA in eggs, milk, and livestock tissues. All three methods have undergone a successful petition method validation and are acceptable for enforcement purposes.

B. International Residue Limits

The Codex Alimentarius has established a maximum residue limit, expressed in terms of diflubenzuron. Therefore, as the U.S. residue definition includes CPU and PCA, compatibility is not possible with the tolerance for pear.

C. Conditions

EPA recommends that an unconditional registration of dimilin may be considered upon submission of a successful Agency petition method validation of analytical enforcement methods for PCA (4-chloroaniline) and CPU (4-chlorophenylurea) in crops. However, the agency concludes there are no residue chemistry or toxicology data requirements that would preclude the establishment of a conditional registration and permanant tolerance for the combined residues of diflubenzuron, N-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide and its metabolites 4-chloroaniline and 4-chlorophenylurea in/on pears at 0.05 ppm.

V. Conclusion

Therefore, the tolerance is established for combined residues of diflubenzuron, N-[[(4-chlorophenyl)amino carbonyl]-2,6-difluorobenzamide] and its metabolites 4-chloroaniline and 4-chlorophenylurea, in or on pears at 0.50 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301213 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before April 16, 2002.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions

on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

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

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

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

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

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301213, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of

regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

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

Dated: February 1, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

§ 180.377 Diflubenzuron; tolerances for residues.

2. Section 180.377 is amended by revising paragraph (a)(2) to read as follows:

(a) * * *

(2) Tolerances are established for combined residues of the insecticide diflubenzuron and its metabolites 4-chlorophenlyurea and 4-chloroaniline in or on the following food commodities:

Commodity	Parts per million
Pear	0.50
Rice, grain	0.02
Rice, straw	0.8

* * * * *

[FR Doc. 02–3773 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

Rules and Regulations

Federal Register
Vol. 67, No. 32
Friday, February 15, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 332

RIN 3206–AJ52

Recruitment and Selection Through Competitive Examination

AGENCY: Office of Personnel Management.

ACTION: Interim regulation with request for comments.

SUMMARY: The Office of Personnel Management (''OPM'') is issuing an interim regulation to allow agencies to decide how candidates are referred for competitive appointment when agencies fill multiple vacancies simultaneously. We are codifying a long-standing practice (based on 5 U.S.C. 3301 and 3302) of providing agencies with the option of either certifying a candidate for only one vacancy at a time, or certifying a candidate simultaneously for all vacancies for which that candidate expresses an interest, is eligible, and is within reach.

EFFECTIVE DATE: This regulation is effective February 15, 2002. We will consider written comments received by April 16, 2002.

ADDRESSES: Send or deliver written comments to Ellen E. Tunstall, Assistant Director for Employment Policy, U.S. Office of Personnel Management, 1900 E Street NW., Room 6551, Washington, DC 20415–9500.

FOR FURTHER INFORMATION CONTACT: Suzy M. Barker, Director, Examination and Qualifications Policy Division, on (202) 606–0830, or FAX (202) 606–0390.

SUPPLEMENTARY INFORMATION: For decades—dating back to at least the establishment of the Federal Service Entrance Examination in 1955—OPM has had the option of using two alternative methods of certifying candidates for competitive appointments. When OPM began delegating the responsibility for certification to other examining units (delegated examining units—DEUs), we provided the DEUs with these two options as well. The first option permits agencies to refer a candidate's name out on only one certificate at a time by temporarily removing the candidate from the list of eligibles while the candidate's name is out on that certificate. The second option, known as ''dual certification,'' requires that agencies simultaneously list a candidate on all certificates for which the candidate expresses an interest, is eligible, and is within reach. Under the ''dual certification'' option, there is no limit to the numbers of certificates on which a candidate can be referred simultaneously.

OPM's long-standing policy on the certification options available to agencies is discussed in detail in OPM's Delegated Examining Operations Handbook (DEOH). It derives from OPM's authority, based on delegations for the President, to ''prescribe such regulations for the admission of individuals into the civil service in the executive branch as will best promote the efficiency of that service'' (5 U.S.C. 3301(1); see also 5 U.S.C. 3302(5), requiring OPM to prescribe regulations necessary for the administration of competitive service examinations).

As described in the DEOH, in most circumstances, when filling multiple jobs either from a standing inventory or under case examining where there are multiple grade levels and/or geographic locations, an agency may invoke either of the previously-discussed options.

To illustrate the practical effect of this practice, consider that an agency has established a standing inventory for the position of Border Patrol Agent at grade levels GS–5 and 7. The inventory services the agency nationwide. Three selecting officials request a list of eligibles for a GS–5 position on the same day. The positions are in San Diego, El Paso, and Miami. Using the dual certification method, the top three candidates—who were qualified for GS–5 at all three locations—are referred to all three locations and the selecting officials would consider the same candidates. The same candidate could be selected by more than one official, both limiting the choice of the selecting official and delaying hiring.

Limiting choices and delaying hiring are never good options, especially in times such as these. Agencies have urgent needs right now in the areas of law enforcement, security, and investigative personnel. There is also a direct impact on the lists of eligibles used to fill specific positions including, but not limited to, Border Patrol Agents, U.S. Marshals, and Criminal Investigators. Other positions filled from standing inventories include, for example, Veterinary Medical Officers who work in over 6,000 food processing plants nationwide, Defense Commissary Managers throughout the world, and Internal Revenue Service Tax Examiners employed throughout the United States. All play an important part during these extraordinary times.

Providing agencies with the option of choosing either certification method has a number of advantages. Specifically, it gives agencies the means with which to:

- Use the examining system most efficiently and effectively in any given situation. Fore example, where multiple vacancies are being filled in multiple geographic locations, dual certification is often grossly inefficient. In these instances, the same candidates are referred for each vacancy and, consequently, several selecting officials often select the same candidates. Until a candidate actually accepts an offer of employment, he or she blocks the ability of the other two selecting officials to fill their vacancies, and the opportunity for other candidates to be considered. Moreover, the same scenario often occurs repeatedly as selecting officials go through their lists. The result is substantial delay, especially when filling positions in less desirable locations;
- Increase the credibility of the Federal hiring system. Agencies can ensure that their selecting officials are given bona fide candidates from which to select. On many occasions, the dual certification method does not allow agencies to provide their selecting officials with meaningful choices. Likewise, job candidates are more likely to receive timely consideration and notification regarding selection;
- Protect the Merit System Principles. These principles require, among other things, that the Federal work force be sued efficiently and effectively and that all applicants for employment receive fair and equitable treatment. Providing

agencies with a choice of certification options is in keeping with these principles;

• Improve the efficiency of the referral process for both the agency and the candidate. In certain situations, especially where several vacancies are being filled at different grade levels in different geographic locations, the dual certification process creates uncertainty as to which candidates are being considered by which selecting official for which location. Providing agencies with an option of certification procedures assists immeasurably in promoting the efficiency of the hiring process.

• Establish a mechanism through which agencies can reduce the high rate of declinations that occur because not all candidates are really interested in all the vacancies for which they may be referred. For example, when applicants for Immigration Inspector positions with the Immigration and Naturalization Service were given the opportunity to be considered for all geographic locations, nearly 80% of those individuals who were offered positions declined. On the other hand, when applicants for these positions were limited in the number of geographic locations for which they could ask to be considered, the declination rate dropped to approximately 40%;

• Meet the Federal government's primary objectives, as set forth by the President. This practice is citizen-centered, results-oriented and market-based. It gives agencies a choice of referral methods and thus an opportunity to select the method that puts the best people into vacant positions as quickly and efficiently as possible while providing job applicants with fast, fair and equitable consideration. This, in turn, allows agencies to better serve the needs of citizens; and

• Lower costs to the taxpayer significantly and lessen the burden on human resources personnel.

Recently, it was brought to our attention that OPM's regulations make so specific provision for any certification method other than referral from the top of the list of eligibles based on score. This amendment rectifies that technical deficiency, but will not otherwise change the way in which candidates have historically been rated, ranked, and considered for competitive service jobs. OPM has broad authority under the law and the Civil Service Rules to conduct open, competitive examinations. We will continue to administer an efficient, effective examining program that attempts to balance the rights of individuals and the needs of agencies so we can better serve the public.

Waiver of Notice of Proposed Rulemaking

In accordance with section 553(b)(3)(B) of title 5 of the U.S. Code, I find that good cause exists for waiving the general notice of proposed rulemaking. An opportunity for public comment prior to issuing this rule is unnecessary and contrary to the public interest. Waiving proposed regulations will help agencies continue to fill critical positions.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities (including small businesses, small organizational units, and small governmental jurisdictions) because the regulations apply only to appointment procedures for employees in Federal agencies.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects 5 CFR Part 332

Government employees.

Office of Personnel Management,

Kay Coles James,

Director.

Accordingly, OPM is amending part 332 of title 5, Code of Federal Regulations, as follows:

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

1. The authority citation for part 332 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

Subpart D—Consideration for Appointment

2. Section 332.402 is revised to read as follows:

§ 332.402 Referring candidates for appointment.

OPM or a Delegated Examining Unit (DEU) will refer candidates for consideration by simultaneously listing a candidate on all certificates for which the candidate is interested, eligible, and within reach, except that, when it is deemed in the interest of good administration and candidates have been so notified, OPM or a DEU may choose to refer candidates for only one vacancy at a time. Selecting officials will receive sufficient names, when available, to allow them to consider at least 3 candidates for each vacancy.

[FR Doc. 02–3621 Filed 2–14–02; 8:45 am]

BILLING CODE 6325–38–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

RIN 0560–AF41

Dairy Recourse Loan Program for Commercial Dairy Processors

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule removes the regulations governing the Dairy Recourse Loan Program from the Code of Federal Regulations because the program's authorizing legislation was repealed.

EFFECTIVE DATE: February 15, 2002.

FOR FURTHER INFORMATION CONTACT: Steve P. Gill, Warehouse and Inventory Division, United States Department of Agriculture (USDA), STOP 0553, 1400 Independence Avenue, SW, Washington, DC 20250–0553. E-mail: *sgill@wdc.fsa.usda.gov.* Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA TARGET Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Executive Order 12612

It has been determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among various levels of government.

Executive Order 12866

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

Executive Order 12988

The rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule do not preempt State laws and are not retroactive.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable because CCC is not required by law to publish a notice of proposed rule making with respect to the matter of this rule.

Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Federal Assistance Program

The title and number of the Federal assistance program, as found in the Catalogue of Federal Domestic Assistance, to which this rule applies is as follows:

10.051—Commodity Loans and Purchases

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart v, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The information collections associated with the Dairy Recourse Loan Program are no longer required.

Discussion of the Final Rule

Section 772 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Pub. L. 107–76) repealed section 142 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7252) (the 1996 Act), which authorized the Dairy Recourse Loan Program. This rule removes the program regulations at 7 CFR 1430, subpart C.

The Dairy Recourse Loan Program was intended to help processors manage inventories of certain dairy products and stabilize prices in the dairy industry in the absence of a price support program. Because a dairy price support program has been in operation each year since the 1996 Act was enacted, the Dairy Recourse Loan Program was never in operation. Therefore, the removal of its regulations will have no retroactive effect.

Section 161(d) of the 1996 Act provides that regulations necessary to implement Title I of the 1996 Act shall be issued without regard to the notice and comment provisions of 5 U.S.C. 553. This rule removes regulations because the program's authorizing legislation was repealed. Therefore, it is being issued as a finale rule. In addition, because this rule implements a statutory mandate, delay of this rule for rule-making, or for purposes of 5 U.S.C. 801, is unnecessary and would be contrary to the public interest.

List of Subjects in 7 CFR Part 1430, Subpart C

Appeal procedures, Butter, Cheddar cheese, Electronic loan process, Forfeitures, Nonfat dry milk, Packaging and containers, Recourse loans, Reporting and Record keeping requirements.

Accordingly, 7 CFR part 1430 is amended as follows:

PART 1430—DAIRY PRODUCTS

1. The authority citation for part 1430 continues to read as follows:

Authority: 7 U.S.C. 7252; and 15 U.S.C. 714b and 714c.

2. In part 1430, by removing and reserving subpart C.

Subpart C—[Removed and Reserved]

Signed in Washington, DC, on February 10, 2002.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 02–3795 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–05–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Loan Interest Rates

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The current 18 percent per year federal credit union loan rate is scheduled to revert to 15 percent on March 8, 2002, unless otherwise provided by the NCUA Board (Board). A 15 percent ceiling would restrict certain categories of credit and adversely affect the financial condition of a number of federal credit unions. At the same time prevailing market rates and economic conditions do not justify a rate higher than the current 18 percent ceiling. Accordingly, the Board hereby continues an 18 percent federal credit union loan rate ceiling for the period March 8, 2002 through September 8, 2003. Loans and lines of credit balances existing prior to May 18, 1987, may continue to bear their contractual rate of interest, not to exceed 21 percent. The Board is prepared to reconsider the 18 percent ceiling at any time should changes in economic conditions warrant.

DATES: Effective March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Daniel Gordon, Senior Investment Officer, telephone 703–518–6620.

SUPPLEMENTARY INFORMATION:

Background

Public Law 96–221, enacted in 1980, raised the loan interest rate ceiling for federal credit unions from one percent per month (12 percent per year) to 15 percent per year. It also authorized the Board to set a higher limit, after consulting with Congress, the Department of Treasury and other federal financial agencies, for a period not to exceed 18 months, if the Board determined that: (1) Money market interest rates have risen over the preceding six months; and (2) prevailing interest rate levels threaten the safety and soundness of individual credit unions as evidenced by adverse trends in growth, liquidity, capital, and earnings.

On December 3, 1980, the Board determined that the foregoing conditions had been met. Accordingly, the Board raised the loan ceiling for nine months to 21 percent. In the unstable environment of the first half of the 1980s, the Board lowered the loan rate ceiling from 21 percent to 18 percent, effective May 18, 1987. This action was taken in an environment of falling market interest rates from 1980 to early 1987. The ceiling has remained at 18 percent to the present.

The Board believes that the 18 percent ceiling will permit credit unions to continue to meet their current lending programs and permit flexibility so that credit unions can react to any adverse economic developments.

The Board would prefer not to set loan interest rate ceilings for federal credit unions. Credit unions are cooperatives and balance loan and share rates consistent with the needs of their members and prevailing market interest rates. The Board supports free lending markets and the ability of federal credit union boards of directors to establish loan rates that reflect current market conditions and the interests of their members. Congress has, however, imposed loan rate ceilings since 1934. In 1979, Congress set the ceiling at 15 percent but authorized the Board to set

a ceiling in excess of 15 percent, if conditions warrant. The following analysis justifies a ceiling above 15 percent, but at the same time does not support a ceiling above the current 18 percent. The Board is prepared to reconsider this action at any time should changes in economic conditions warrant.

Money Market Interest Rates

Table 1 below shows that interest rates rose between January 11 and February 5 as the nation continues to recover from the combination of the recession and the September 11 terrorist attack.

TABLE 1.—YIELDS ON U.S. GOVERNMENT SECURITIES

[Percent]

Maturity	Jan. 11	Feb. 5	Change
3 month	1.55	1.75	.20
6 month	1.62	1.85	.23
2 year	2.72	2.98	.26
5 year	4.09	4.20	.11
10 year ..	4.86	4.89	.03

Table 2 shows that interest rates on maturities of five years and longer have increased since September 13.

TABLE 2.—YIELDS ON LONGER TERM U.S. GOVERNMENT SECURITIES

[Percent]

Maturity	Sept. 13	Feb. 5	Change
5 year	3.95	4.20	.25
10 year ..	4.62	4.89	.27

There is also evidence in financial markets to suggest that rates are likely to rise in the months ahead. A consensus forecast of economists anticipates higher interest rates this year. In addition, the implied forward curve for U.S. Government securities, a sign of market expectations, indicates that the yields on Treasury securities will be higher in the upcoming year.

There are also indications the economy is improving. For example, Federal Reserve Chairman Greenspan recently said, ''(t)here have been signs recently that some of the forces that have been restraining the economy over the past year are starting to diminish and that activity is beginning to firm.'' The Federal Reserve's Open Market Committee, supporting this view, chose to retain the target fed funds rate rather than lowering it again. Gross Domestic Product showed a 0.2 percent increase in the last quarter of 2001. The Conference Board's index of consumer sentiment increased to 97.3 in January from 94.6 in December. This represents a 5-month high. Rising consumer confidence typically results in more discretionary consumer expenditures.Thus improved consumer confidence is another positive sign for the economy.Typically, as the economy improves interest rates increase. Therefore, there are signs in the economy as a whole, and in the financial markets in particular, to suggest interest rates will be higher in the future.

Financial Implications for Credit Unions

For at least 712 credit unions, representing 11.5 [1] percent of reporting federal credit unions, the most common rate on unsecured loans was above 15 percent. While the bulk of credit union lending is below 15 percent, small credit unions and credit unions that have instituted risk-based lending programs require interest rates above 15 percent to maintain liquidity, capital, earnings, and growth. Loans to members who have not yet established a credit history or have weak credit histories have more credit risk. Credit unions must charge rates to cover the potential of higher than usual losses for such loans. There are undoubtedly more than 712 federal credit unions charging over 15 percent for unsecured loans to such members. Many credit unions have ''Credit Builder'' or ''Credit Rebuilder'' loans, but only report the ''most common rate'' on the Call report for unsecured loans. Lowering the interest rate ceiling for federal credit unions would discourage these credit unions from making these loans and many of the affected members would have no alternative but to turn to other lenders who charge much higher rates.

Small credit unions would be particularly affected by lower loan rate ceilings since they tend to have a higher level of unsecured loans, typically with lower loan balances. Table 3 shows the number of credit unions in each asset group where the most common rate is more than 15 percent for unsecured loans.

In addition, credit unions have been actively attempting to increase service to lower-income members and those with marginal credit histories. There has been a significant increase in the number of credit unions engaging in risk-based lending. Imposition of a lower ceiling would substantially constrain these risk-based lending programs.

[1] Of the 6,186 federal credit unions, 3,412 zero balances in the unsecured loan rate categories for the June 2001 reporting period.

In addition, should the interest rate charged on loans be subject to a 15 percent ceiling credit unions, where the majority of members are low-income, will incur significant financial strain. Although the percentage of all low-income designated credit unions reporting loan interest rates greater than 15 percent is comparable to the general federal credit union population (13.9 percent versus 11.9 percent), an analysis of low-income credit unions with assets less than $10 million reveal a much more significant impact.

TABLE 3.—ACTIVE FEDERAL CREDIT UNIONS WITH MOST COMMON UNSECURED LOAN RATES GREATER THAN 15 PERCENT

[June 2001]

Peer group by asset size	Total all FCUs	Number of FCUs with greater than 15 percent
$0–2 million	1,496	153
$2–10 million	2,044	269
$10–50 million ..	1,736	189
$50 million+	910	101
Total	6,186	712

Among the 712 credit unions where the most common rate is more than 15 percent for unsecured loans, 105 have 20 percent or more of their assets (Table 4) in this category. For these credit unions, lowering the rates would threaten their liquidity, capital, earnings, and growth.

TABLE 4.—ACTIVE FEDERAL CREDIT UNIONS WITH MOST COMMON UNSECURED LOAN RATES GREATER THAN 15 PERCENT AND MORE THAN 20 PERCENT OF ASSETS IN UNSECURED LOANS

[June 2001]

Peer group by asset size	Number of FCUs with loan rates greater than 15 percent
$0–2 million	51
$2–10 million	42
$10–50 million	57
$50 million+	32
Total	105

Data from June 2001 reveals that of those credit unions reporting loan interest rates in excess of 15 percent:

- 49 of the 150 federal credit unions (32.7 percent) with less than $2 million in assets are low-income;

- 79 of the 286 federal credit unions (27.6 percent) with less than $5 million in assets are low-income, and
- 97 of the 416 federal credit unions (23.3 percent) with less than $10 million in assets are low-income.

These credit unions offset the cost of generating low-balance loans through the increased interest rates charged. They generally do not have the ability to provide credit card loans and instead grant closed and open-ended loans with the prerequisite underwriting documentation. Further these smaller credit unions generally maintain a higher expense ratio since many are involved with high-transaction accounts that require higher personnel costs and related operational expenses, and do not have economies of scale.

The Board has concluded that conditions exist to retain the federal credit union interest rate ceiling of 18 percent per year for the period March 8, 2002 to September 8, 2003. Loans and line of credit balances existing on or before May 14, 1987, may continue to bear interest at their contractual rate, not to exceed 21 percent. Finally, the Board is prepared to reconsider the 18 percent ceiling at any time during the extension period should changes in economic conditions warrant.

Regulatory Procedures

Administrative Procedure Act

The Board has determined that notification and public comment on this rule are impractical and not in the public interest. 5 U.S.C. 553(b)(3)(B). Due to the need for a planning period prior to the March 8, 2002, expiration date of the current rule, and the threat to the safety and soundness of individual credit unions with insufficient flexibility to determine loan rates, final action on the loan rate ceiling is necessary.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small credit unions (those under one million dollars in assets). This final rule provides added flexibility to all federal credit unions regarding the permissible interest rate that may be used in connection with lending. The NCUA Board has determined and certifies that this rule will not have a significant economic impact on a substantial number of small credit unions.

Paperwork Reduction Act

NCUA has determined that this rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management andBudget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interest. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This rule applies only to federal credit unions and, thus, will not have substantial direct effects on the states, on the relationship between the national government and the states, nor materially affect state interests. The NCUA has determined that the rule does not constitute a policy that has any federalism implication for purposes of the executive order.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act. 5 U.S.C. 551. The Office of Management and Budget has determined that this is not a major rule.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

NCUA has determined that this rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 701

Credit, Credit unions, Loan interest rates.

By the National Credit Union Administration Board on February 7, 2002.

Becky Baker,

Secretary to the Board.

Accordingly, NCUA amends 12 CFR chapter VII as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS(AMENDED)

1. The authority citation for Part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*, 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. Section 701.21(c)(7)(ii)(C) is revised to read as follows:

§ 701.21 Loans to members and lines of credit to members.

* * * * *

(c) * * *

(7) * * *

(ii) * * *

(C) *Expiration.* After September 8, 2003, or as otherwise ordered by the NCUA Board, the maximum rate on federal credit union extensions of credit to members shall revert to 15 percent per year. Higher rates may, however, be charged, in accordance with paragraph (c)(7)(ii)(A) and (B) of this section, on loans and line of credit balance existing on or before September 8, 2003.

* * * * *

[FR Doc. 02–3701 Filed 2–14–02; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–CE–31–AD; Amendment 39–12645; AD 2002–03–04]

RIN 2120–AA64

Airworthiness Directives; Pilatus Britten-Norman Limited BN–2, BN–2A, BN–2B,BN–2T, and BN2A MK. III Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Pilatus Britten-Norman Limited (Pilatus Britten-Norman) BN–2, BN–2A,BN–2B, BN–2T, and BN2A MK. III series airplanes. This AD requires you to replace the emergency exit window sealant. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to correct the problems with emergency exit windows failing to open. Such failure could lead to the inability to exit the airplane in an emergency.

DATES: This AD becomes effective on March 29, 2002.

The Director of the Federal Register approved the incorporation by reference

of certain publications listed in the regulations as of March 29, 2002.

ADDRESSES: You may get the service information referenced in this AD from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR; telephone: +44 (0) 1983 872511; facsimile: +44 (0) 1983 873246. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–CE–31–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: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified FAA that an unsafe condition may exist on all Pilatus Britten-Norman BN–2, BN–2A, BN–2B, BN–2T, and BN2A MK. III series airplanes. The CAA reports an incident where an emergency exit window could not be opened. The CAA determined that the emergency exit windows were not properly installed with the correct sealant.

What Is the Potential Impact if FAA Took no Action?

This condition, if not corrected, could lead to the inability to exit the airplane in an emergency.

Has FAA Taken Any Action to This Point?

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Pilatus Britten-Norman BN–2, BN–2A, BN–2B, BN–2T, and BN2A MK. III series airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 27, 2001 (66 FR 59178). The NPRM proposed to require you to replace the emergency exit window sealant.

Was the Public Invited to Comment?

The FAA encouraged interested persons to participate in the making of this amendment. We did not receive any comments on the proposed rule or on our determination of the cost to the public.

FAA's Determination

What Is FAA's Final Determination on This Issue?

After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We have determined that these minor corrections:

—Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Cost Impact

How Many Airplanes Does This AD Impact?

We estimate that this AD affects 118 airplanes in the U.S. registry.

What is the Cost Impact of This AD on Owners/Operators of the Affected Airplanes?

We Estimate the following costs to accomplish the necessary replacement:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
2 workhours × $60 per hour = $120	$40	$160	118 × $160 = $18,880.

Regulatory Impact

Does This AD Impact Various Entities?

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.

Does This AD Involve a Significant Rule or Regulatory Action?

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, 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 AD to read as follows:

2002–03–04 Pilatus Britten Norman Limited: Amendment 39–12645; Docket No. 2001–CE–31–AD.

(a) *What airplanes are affected by this AD?* This AD affects all serial numbers of Models BN–2, BN–2A, BN–2A–2, BN–2A–3, BN–2A–6, BN–2A–8, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, BN–2T, BN–2T–4R, BN2A MK. III, BN2A MK. III–2, and BN2A MK. III–3 airplanes that are certificated in any category.

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

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent the failure of emergency exit windows to open.

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

Actions	Compliance	Procedures
Replace emergency exit window sealant.	Within the next 50 hours time-in-service after March 29, 2002 (the effective date of this AD), unless already performed.	In accordance with the Action section of B–N Service Bulletin Number SB 277, Issue 1, dated 03/08/2001.

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

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

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

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph 4(e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

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

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

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with B–N Service Bulletin Number SB 277, Issue 1, dated 03/08/2001. 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 Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, United Kingdom PO35 5PR. You can look at copies at the 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.

Note 2: The subject of this AD is addressed in British AD 001–08–2001, dated August 3, 2001.

(i) *When does this amendment become effective?* This amendment becomes effective on March 29, 2002.

Issued in Kansas City, Missouri, on February 4, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–3165 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–66–AD; Amendment 39–12649; AD 2002–03–08]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), that is applicable to Pratt & Whitney PW4000 series turbofan engines. That AD currently requires revisions to the Time Limits Section of the manufacturer's Engine Manuals (EM's) to include required enhanced inspection of selected critical life-limited parts at each piece-part exposure. This amendment modifies the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements. An FAA study of in-service events involving uncontained failures of critical rotating engine parts has indicated the need for mandatory inspections. The mandatory inspections are needed to identify those critical rotating parts with conditions, which if allowed to continue in service, could result in uncontained failures. The actions specified by this AD are intended to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective date April 16, 2002.

ADDRESSES: This information may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Robert McCabe, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7138, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000–12–02, Amendment 39–11780 (65 FR 37473, June 15, 2000), which is applicable to Pratt & Whitney PW4000 series turbofan engines was published in the **Federal Register** on October 5, 2001 (66 FR 50888). That action proposed to modify the airworthiness limitations section of the manufacturer's manual and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements. An FAA study of in-service events involving uncontained failures of critical rotating engine parts has indicated the need for mandatory inspections. The mandatory inspections are needed to identify those critical rotating parts with conditions, which if allowed to continue in service, could result in uncontained failures.

Comments

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

Two commenters state that EM part numbers 50A345, 50A751, and 50A882 are incorrect and should be changed to the correct part numbers of 51A345, 51A751, and 50A822, respectively.

The FAA agrees. The correct manual part numbers are included in this final rule.

One commenter requests that the comment period of this AD be extended until the manufacturer issues the new inspection requirements in the EM's or, that the operator's compliance to the final rule of this AD be delayed for 30 days after the manufacturer publishes the new inspection procedures in the manufacturer's EM's.

The FAA disagrees. The manufacturer has confirmed its ability to issue Temporary Revisions to the affected EM's within several weeks after the

effective date of this AD. The FAA believes that the nature and scope of the added inspections will not be significantly different from existing inspections. In addition, the effective date of this AD (and therefore the operator's compliance time period) has been extended to 60 days after publication to allow ample time for the specific inspection procedures and requirements to be published by the manufacturer and then incorporated into the operator's maintenance programs. Operators may submit comments to the docket on the specific procedures once they are published, and the FAA will consider extending the effective date further or additional rulemaking, as necessary. The FAA does not believe, however, that this final rule need be delayed pending the publication of the inspection procedures, or that the initial compliance time be extended to accommodate the manufacturer's manual revision cycle.

One commenter concurs with the intent of the AD as proposed.

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

Economic Analysis

No comments were received on the economic analysis contained in the proposed rules. The FAA has determined that the annual cost of complying with this AD does not create a significant economic impact on small entities.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under 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 final evaluation has been prepared for this action and it 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.

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 removing Amendment 39–11780 (65 FR 37473, June 15, 2000) and by adding a new airworthiness directive, Amendment 39–12649, to read as follows:

2002–03–08 Pratt & Whitney: Amendment 39–12649. Docket No. 98–ANE–66–AD. Supersedes AD 2000–12–02, Amendment 39–11780.

Applicability: Pratt & Whitney (PW) Model PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, PW4650, PW4164, PW4168, PW4168A, PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, and PW4098 turbofan engines, installed on but not limited to Airbus A300, A310, and A330 series, Boeing 747, 767, and 777 series, and McDonnell Douglas MD–11 series airplanes.

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

Compliance: Required as indicated, unless already done.

To prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

Inspections

(a) Within the next 60 days after the effective date of this AD, revise the Time Limits Section (TLS) of the Engine Manuals (EM's), part numbers 50A443, 50A605, 50A822, 51A342, 51A345, and 51A751, as applicable, for Pratt & Whitney PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, PW4650, PW4164, PW4168, PW4168A, PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, and PW4098 series turbofan engines; and for air carrier operations revise the approved mandatory inspections section of the continuous airworthiness maintenance program, to read as follows:

''MANDATORY INSPECTIONS

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the PW4000 series Engine Cleaning, Inspection and Repair (CIR) Manuals:

For Engine Manuals 50A443, 50A605, and 50A822, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Hub, Front Compressor	All	72–31–07	Insp/Check-02	51A357
Hub, Turbine, Front Assy (Stage 1)	All	72–52–05	Insp/Check-02	51A357
Hub, Turbine, Intermediate Rear (Stage 2)	All	72–52–06	Insp/Check-02	51A357

For Engine Manual 51A342, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Hub, LPC Assembly	All	72–31–07	Insp/Check-02	51A357
Hub, Turbine, Front Assembly (Stage 1)	All	72–52–05	Insp/Check-02	51A357
Seal—Air, HPT Stage 2	All	72–52–22	Insp/Check-02	51A357
Hub, Turbine, Rear (Stage 2)	All	72–52–06	Insp/Check-02	51A357

For Engine Manuals 51A345 and 51A751, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Hub, LPC Assembly	All	72–31–07	Insp/Check-02	51A750
Seal—Air, HPT Stage 1	All	72–52–19	Insp/Check-02	51A750
Hub, Turbine, Front Assembly (Stage 1)	All	72–52–05	Insp/Check-02	51A750
Seal—Air, HPT Stage 2 Assembly	All	72–52–22	Insp/Check-02	51A750
Hub, Turbine rear Assembly (Stage 2)	All	72–52–06	Insp/Check-02	51A750

For Engine Manuals 50A443, 50A605, and 50A822, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
HPC Stage 5 Disk	All	[1] 72–35–06	Insp/Check-02	51A357
HPC Front Drum Rotor	All	[1] 72–35–07	Insp/Check-02	51A357
HPC Rear Drum Rotor	All	[2] 72–35–08	Insp/Check-02	51A357
HPC Rear Drum Rotor	All	[3] 72–35–10	Insp/Check-02	51A357

[1] For PW4000–94'' Phase I & III ONLY.
[2] For PW4000–94'' Phase I ONLY.
[3] For PW4000–94'' Phase III ONLY.

For Engine Manual 51A342, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
HPC Stage 5 Disk	All	72–35–06	Insp/Check-02	51A357
HPC Front Drum Rotor	All	72–35–07	Insp/Check-02	51A357
HPC Rear Drum Rotor	All	72–35–10	Insp/Check-02	51A357

For Engine Manuals 51A345 and 51A751, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
HPC Stage 5 Disk	All	72–35–06	Insp/Check-02	51A750
HPC Front Drum Rotor	All	72–35–07	Insp/Check-02	51A750
HPC Rear Drum Rotor	All	72–35–10	Insp/Check-02	51A750
HPC Stage 15 Disk	All	72–35–92	Insp/Check-02	51A750
HPT Stage 1 Airseal	All	72–52–19	Insp/Check-02	51A750
HPT Front Hub	All	72–52–05	Insp/Check-02	51A750
HPT Stage 2 Airseal	All	72–52–22	Insp/Check-02	51A750
HPT Rear Hub	All	72–52–06	Insp/Check-02	51A750

For Engine Manuals 50A443, 50A605 and 50A822, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR Manual
Stage 3 LPT Disk	All	72–53–13	Insp/Check-02	51A357
Stage 4 LPT Disk	All	72–53–14	Insp/Check-02	51A357
Stage 5 LPT Disk	All	72–53–15	Insp/Check-02	51A357
Stage 6 LPT Disk	All	72–53–16	Insp/Check-02	51A357

For Engine Manual 51A342, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Stage 3 LPT Disk	All	72–53–13	Insp/Check-02	51A357
Stage 4 LPT Disk	All	72–53–14	Insp/Check-02	51A357
Stage 5 LPT Disk	All	72–53–15	Insp/Check-02	51A357
Stage 6 LPT Disk	All	72–53–16	Insp/Check-02	51A357
Stage 7 LPT Disk	All	72–53–61	Insp/Check-02	51A357

For Engine Manual 51A345, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Stage 3 LPT Disk	All	72–53–13	Insp/Check-02, Config-1	51A750
Stage 4 LPT Disk	All	72–53–14	Insp/Check-02	51A750
Stage 5 LPT Disk	All	72–53–60	Insp/Check-02	51A750
Stage 6 LPT Disk	All	72–53–16	Insp/Check-02, Config-1	51A750
Stage 7 LPT Disk	All	72–53–72	Insp/Check-02	51A750
Stage 8 LPT Disk	All	72–53–62	Insp/Check-02, Config-1	51A750
Stage 9 LPT Disk	All	72–53–63	Insp/Check-02	51A750

For Engine Manual 51A751, add the following table data:

Part nomenclature	Part No.	CIR manual section	CIR manual inspection	CIR manual
Stage 3 LPT Disk	All	72–53–13	Insp/Check-02, Config-2 See Note (1).	51A750
Stage 4 LPT Disk	All	72–53–14	Insp/Check-02	51A750
Stage 5 LPT Disk	All	72–53–60	Insp/Check-02	51A750
Stage 6 LPT Disk	All	72–53–16	Insp/Check-02, Config-2 See Note (1).	51A750
Stage 7 LPT Disk	All	72–53–72	Insp/Check-02	51A750
Stage 8 LPT	All	72–53–62	Insp/Check-02, Config-2 See Note (1).	51A750
Stage 9 LPT Disk	All	72–53–63	Insp/Check-02	51A750

[1] FPI method only.

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when accomplished in accordance with the disassembly instructions in the manufacture's EM's to either the part detail or part assembly level part numbers for the parts listed in the Tables above, and

(ii) The part has accumulated more than 100 cycles in service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(b) Except as provided in paragraph (c) of this AD, and notwithstanding contrary provisions in § 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections must be performed only in accordance with the Time Limits Section of the manufacturer's EM's.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Continuous Airworthiness Maintenance Program

(e) FAA-certificated air carriers that have an approved continuous airworthiness maintenance program in accordance with the record-keeping requirement of § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)) must maintain records of the mandatory inspections that result from revising the Time Limits Section of the EM's and the air carrier's continuous airworthiness program. Alternatively, certificated air carriers may establish an approved system of record retention that provides a method for preservation and retrieval of the maintenance records that include the inspections resulting from this AD, and include the policy and procedures for implementing this alternate method in the air carrier's maintenance manual required by § 121.369(c) of the Federal Aviation Regulations (14 CFR 121.369(c)); however, the alternate system must be accepted by the appropriate PMI and require the maintenance records be maintained either indefinitely or until the work is repeated. Records of the piece-part inspections are not required under § 121.380(a)(2)(vi) of the Federal Aviation Regulations (14 CFR 121.380(a)(2)(vi)). All other operators must maintain the records of mandatory inspections required by the applicable regulations governing their operations.

Note 3: The requirements of this AD have been met when the EM changes are made and air carriers have modified their continuous airworthiness maintenance plans to reflect the requirements in the applicable EM's.

(f) This amendment becomes effective on April 16, 2002.

Issued in Burlington, Massachusetts, on February 5, 2002.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–3579 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–09]

Revision of Class E Airspace, Pasco, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace at Pasco, WA. An area of uncontrolled airspace exists in the Tri-Cities terminal area. Additional Class E 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft conducting IFR operations at Pasco, Tri-Cities Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Pasco, Tri-Cities Airport, Pasco, WA.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–09, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On July 10, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E at Pasco, WA, in order to provide a safer IFR environment at Pasco, Tri-Cities Airport, Pasco, WA (66 FR 35916). This amendment provides additional Class E5 1,200-feet controlled airspace at Pasco, WA, to contain IFR aircraft operating in the Pasco, Tri-Cities terminal area. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. A revision to the legal description as written in the Notice for Proposed Rule Making (NPRM) was required for charting purposes to amend an error in the Class E 700 foot airspace at Richland, WA. This correction does not change the existing airspace at Richland, WA, as charted. This is considered an insignificant modification to the airspace description as the dimension of the proposed airspace described in the NPRM did not change.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Pasco, WA, in order to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Pasco, Tri-Cities Airport, Pasco, WA. This amendment revises Class E5 airspace at Pasco, WA, to enhance safety and efficiency of IFR flight operations in the Tri-Cities terminal area. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Pasco, Tri-Cities Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

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

* * * * *

ANM WA E5 Pasco, WA [Revised]

Pasco, Tri-Cities Airport, WA
(Lat. 46°15′53″ N., long 119°07′08″ W.)
Pasco VOR/DME
(Lat. 46°15′47″ N., long. 119°06′57″ W.)
Richland Airport
(Lat. 46°18′20″ N., long. 119°18′15″ W.)

That airspace extending upward from 700 feet above the surface within 9.2 miles northwest and 5.3 miles southeast of the Pasco VOR/DME 046° and 226° radials extending from 20.1 miles northeast to 10.5 miles southwest of the VOR/DME, and within 8.3 miles northeast and 6.1 miles southwest of the Pasco VOR/DME 131° radial extending from the VOR/DME to 26.3 miles southeast of the VOR/DME, and within 4.3 miles north and 6.6 miles south of the Pasco VOR/DME 288° radial extending from 7 miles west of the VOR/DME to 23.1 miles west of the VOR/DME, and within 8.3 miles west and 4 miles east of the 026° bearing from the Richland Airport extending from the airport to 20.9 miles; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 45°49′00″ N., long. 118°00′00″ W.; thence to lat. 45°49′00″ N., long. 119°45′00″ W.; to lat 47°00′00″ N., long. 119°45′00″ W., to lat. 47°00′00″ N.long., 118°00′00″ W.; thence to the point of origin, excluding that airspace within Federal Airways, and the Hermiston, OR; Pendleton, OR; Walla Walla, WA, Moses Lake, WA, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3788 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–15]

Establishment of Class E Airspace, Scobey, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Scobey, MT. A newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) at the Scobey Airport has made this action necessary. Class E 700-feet and 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing procedures in the Instrument Flight Rules (IFR). The effect of this action is to provide adequate controlled airspace for IFR operations at Scobey Airport, Scobey, MT.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–15, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On July 23, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Scobey, MT, in order to provide a safer IFR environment at Scobey Airport, Scobey, MT (66 FR 38223). This amendment established Class E5 700-feet and 1,200-feet controlled airspace at Scobey, MT, to contain IFR aircraft operating in the Scobey terminal area. A newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) at the Scobey Airport have made this action necessary. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) establishes Class E 700-feet and 1,200-feet airspace at Scobey, MT, in order to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Scobey Airport. A newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) at the Scobey Airport have made this action necessary. This amendment provides Class E5 airspace at Scobey, MT, to enhance safety and efficiency of IFR flight operations in the Scobey terminal area. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under IFR at the Scobey Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400.0J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

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

* * * * *

ANM MT E5 Scobey, MT [New]

Scobey Airport MT
(Lat 48°48′28″ N., long. 105°26′22″ W.)

That airspace extending upward from 700 feet above the surface within the 5.5-mile radius of the Scobey Airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 49° 00′00′N., long. 105°36′30′W.; to lat. 49°00′00′N., long. 105°00′00′W.; to lat. 48°40′27′N., long. 105°00′00′W.; to lat. 48°25′00′N., long. 104°00′00′W.; to lat. 48°14′18′N., long. 104°00′00′W.; to lat. 48°36′40′N., long. 105°30′00′W.; to lat. 48°30′00′N., long. 105°41′00′W.; to lat. 48°30′00′N., long. 106°00′00′W.; to lat. 48°36′30′N., long. 106°11′55′W.; to the point of origin; excluding that airspace within the Glasgow, MT, and Williston, ND, Class E airspace and Federal Airways areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3789 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–07]

Revision of Class E Airspace, Kemmerer, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: this action revises the Class E airspace at Kemmerer, WY. Newly developed Area Navigation (RNAV) approaches at the Kemmerer Municipal Airport have made this action necessary. Additional Class E 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (Global Positioning System (GPS)) RWY 16 and RNAV (GPS) RWY 34 at Kemmerer Municipal Airport. The effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Kemmerer Municipal Airport, Kemmerer, WY.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brien Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–07, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On July 23, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Kemmerer, WY, in order to provide a safer IFR environment at Kemmerer Municipal Airport, Kemmerer, WY (66 FR 38225). This amendment provides additional Class E5 700-feet and 1,200-feet controlled airspace at Kemmerer, WY, to contain IFR aircraft operating in the Kemmerer terminal area. Newly developed Area Navigation (RNAV) approaches at the Kemmerer Municipal Airport have made this action necessary. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. A comment was received from the FAA AVN–500 Charting Office. A revision to the legal description as written in the Notice for Proposed Rule Making (NPRM) was required for charting purpose to amend an error in the Class E 1,200-feet airspace. This is considered an insignificant modification to the airspace description as the dimension of the proposed airspace described in the NPRM did not change.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Kemmerer, WY, in order to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Kemmerer Municipal Airport, Kemmerer, WY. This amendment revises Class E5 airspace at Kemmerer, WY, to enhance safety and efficiency of IFR flight operations in the Kemmerer terminal area. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under IFR at the Kemmerer Municipal Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; E.O. 10854, 24 FR 9565, 3 CFR, 1950–1963 Comp., p. 389.

§ 71.1 [Amended]

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

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

* * * * *

ANM WY E5 Kemmerer, WY [Revised]

Kemmerer Municipal Airport, WY
Lat. 41°49′30″N., long. 110°33′32″ W.)

That airspace extending upward from 700 feet above the surface within the 8-mile radius of the Kemmerer Municipal Airport, and within 4 miles each side of the 174° bearing from the Kemmerer Airport extending from the airport 11 miles south of the airport, and within 3.6 miles each side of the 354° bearing from the Kemmerer Airport extending from the airport to 16.1 miles northwest of the airport; and that airspace extending upward form 1,200 feet above the surface bounded by a line beginning at lat. 41°30′00″N., long. 111°00′00″W.; to lat 42°10′00′N., long. 111°00′00″W.; to lat. 42°10′00″N., long. 110°00′00″W.; to lat. 41°30′00″N., long. 110°00′00″W.; to lat. 41°15′00″N., long. 110°23′00″W.; to point of origin; and excluding that airspace within Federal airways; and the Fort Bridger, WY, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3790 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–34]

Revision of Class E Airspace, Greeley, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace at Greeley, CO. A newly revised Airport Reference Point (ARP) coordinates at the Greeley-Weld Airport has made this action necessary. The change of the ARP coordinates required the legal description of Greeley-Weld Airport Class E airspace to reflect the new coordinates. Additionally, a revision to the Class E 700-feet controlled airspace, above the surface of the earth was required to reflect changes in airspace configurations in Colorado. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Greeley-Weld Airport, Greeley, CO.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–34, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

History

On August 27, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Greeley, CO, in order to correct a change in the ARP at the Greeley-Weld Airport, Greeley, CO (66 FR 44994). This action provides Class E5 airspace at Greeley, CO, and to revise the Class E 700-feet airspace to meet current airspace requirements for IFR flight in Colorado. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Greeley, CO, in order to change the ARP coordinates in the legal description of Greeley-Weld Airport. This amendment also revises Class E5 airspace at Greeley, CO, the revision to Class E 700-feet controlled airspace, above the surface of the earth is required to realign airspace configurations in the Denver, CO, terminal area due to the conversion from Stapleton International Airport to the Denver International Airport. Class E 700-feet controlled airspace, above the surface of the earth is required to contain aircraft executing IFR procedures at Greeley-Weld Airport. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Greeley-Weld Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700-feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows

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

* * * * *

ANM CO E5 Greeley, CO [Revised]

Greeley-Weld County Airport, CO

(Lat. 40°25′43″ N., long. 104°37′58″ W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 40°38′00″N., long. 104°53′02″W.; to lat. 40°41′00″N., long. 104°27′02″W.; to lat. 40°18′00″N., long. 104°23′30″W.; to lat. 40°15′30″N., long. 104°49′30″W.; thence to point of origin; excluding that airspace within Federal Airways, the Denver, CO; Fort Collins, CO, and Loveland, CO, Class E Airspace areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3791 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–06]

Revision of Class E Airspace, Cedar City, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace at Cedar City, UT. Newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) at the Cedar City Regional Airport made this action necessary. Additional Class E 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (Global Positioning System (GPS) RWY 20 at Cedar City Regional Airport.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–06, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On August 27, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Cedar City, UT, in order to accommodate new RNAV SIAP at Cedar City Regional Airport, Cedar City, UT (66 FR 44993). This action provides Class E5 airspace at Cedar City, UT, to meet current criteria standards associated with the SIAP. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Cedar City, UT, in order to accommodate new RNAV (GPS) SIAP to the Cedar City Regional Airport, Cedar City, UT. This amendment revises Class E5 airspace at Cedar City, UT, to meet current criteria standards associated with the RNAV and SIAP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Cedar City Regional Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward form 700-feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400. 9J, Airspace Designations and Reporting Points, dated August 31, 2001, is amended as follows:

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

* * * * *

ANM UT E5 Cedar City, UT [Revised]

Cedar City Regional Airport, UT

(Lat. 37°42′03″ N., long. 113°05′55″ W.)

That airspace extending upward from 700-feet above the surface bounded by a line beginning at lat. 38°03′00″ N., long. 113°13′30″ W.; to lat. 38°05′30″ N., long. 112°58′30″ W.; to lat. 37°58″30′ N., long. 112°45′30″ W.; to lat. 37°45′00″ N., long. 112°56′45″ W.; to lat. 37°47′30″ N., long. 113°15′00″ W.; thence to point of beginning; and that airspace extending upward from 1,200-feet above the surface bounded by a line beginning at lat. 38°00′00″ N., long. 113°45′30″ W; to lat. 38°19′00″ N., long. 112°51′30″ W.: to lat. 37°58′32″ N., long. 112°38′00″ W.; to lat. 37°37′00″ N., long. 112°53′30″ W.; to lat. 37°38′15″ N., long. 113°22′18″ W.; thence to point of origin; and excluding that airspace within Federal airways; the Midford, UT, and St. George, UT, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3792 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–04]

Establishment of Class E Airspace, Kanab, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Kanab, UT. Newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) and Departure Procedure (DP) to the Kanab Municipal Airport has made this action necessary. Class E 700-feet and 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing procedures in the Instrument Flight Rules (IFR).

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–04, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On April 17, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Kanab, UT, in order to accommodate new RNAV SIAP and DP at Kanab Municipal Airport, Kanab, UT (66 FR 43134). This amendment provides Class E5 airspace at Kanab, UT, to meet current criteria standards associated with the SIAP. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) establishes Class E airspace at Kanab, UT, in order to accommodate new SIAP and DP to the Kanab Municipal Airport, Kanab, UT. This amendment establishes Class E5 airspace at Kanab, UT, to meet current criteria standards associated with the RNAV SIAP and DP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under IFR at the Kanab Municipal Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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; 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 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

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

* * * * *

ANM UT E5 Kanab, UT [New]

Kanab Municipal Airport, UT
(Lat. 37°00′40″ N., long. 112°31′52″ W.)

That airspace extending upward from 700-feet above the surface within the 8-mile radius of the Kanab Municipal Airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 36°32′10″ N., long. 112°00′00″ W.; to lat. 36°32′10″ N., long. 112°52′00″ W.; to lat. 37°15′00″ N.; long. 112°52′00″ W.; to lat. 37°15′00″ N., long. 112°16′00″ W.; to lat. 37°09′00″ N., long. 112°15′00″ W.; to lat. 37°09′00″ N., long. 111°50′00″ W.; to lat. 36°45′00″ N., long. 111°50′00″ to lat. 36°45′00″ N., long. 112°00′00″ W.; thence to the point of origin; and excluding that airspace within Federal airways.

* * * * *

Issued in Seattle, Washington, on December 27, 2001.

Daniel A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 02–3793 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

[T.D. 02–07]

RIN 1515–AD03

Andean Trade Preference Act

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Temporary rule.

SUMMARY: This is a 90-day temporary rule. Duty-free treatment for eligible articles from beneficiary countries under the Andean Trade Preference Act (ATPA) expired on December 4, 2001. This document amends the Customs Regulations on a temporary basis to provide that effective February 15, 2002, importers of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, may exercise the option to defer the payment of estimated Customs duties and fees after entry of those articles until May 16, 2002. The Administration anticipates that the duty-free treatment accorded to merchandise under the provisions of the ATPA will be restored and made

retroactive to the date of the initial termination of such duty-free treatment (December 4, 2001), and that there will be no extension of this extraordinary action.

After consultation with the State Department, the Department of Commerce, the United States Trade Representative, the Office of National Drug Control Policy, and others, it has been determined that there is a national security interest to be furthered by an interim deferral of collection of estimated duties on products from the Andean nations. Action in this matter is also intended to relieve the importing public from having to deposit estimated duties and fees on eligible merchandise and then having to apply for a refund of the duties in the event duty-free treatment is retroactively re-authorized for such merchandise under the ATPA.

EFFECTIVE DATE: This temporary rule is effective on February 15, 2002, and expires on May 16, 2002. This temporary rule applies to imported merchandise that would have been subject to duty-free treatment had the ATPA not expired, that is entered or withdrawn from warehouse for consumption in the customs territory of the United States on or after February 15, 2002.

FOR FURTHER INFORMATION CONTACT: Leon Hayward, Office of Field Operations, 202–927–3271.

SUPPLEMENTARY INFORMATION:

Background

Title II of Public Law 102–182 (105 Stat. 1233), enacted on December 4, 1991, and entitled the Andean Trade Preference Act (ATPA), authorized the President to proclaim duty-free treatment for all eligible articles from any beneficiary country, to designate countries as beneficiary countries, and to proclaim duty reductions for certain goods not eligible for duty-free treatment. The ATPA is codified at 19 U.S.C. 3201–3206.

Sections 10.202–10.208 of the Customs Regulations (19 CFR 10.202–10.208) set forth the legal requirements and procedures that apply for purposes of obtaining duty-free or reduced duty treatment for articles from a beneficiary country. These articles are identified for purposes of receiving duty-free or reduced duty treatment in General Note 11, Harmonized Tariff Schedule of the United States (HTSUS), and in the ''Special'' rate of duty column in the HTSUS. The beneficiary countries covered by the ATPA are Bolivia, Colombia, Ecuador and Peru (General Note 11(a), HTSUS).

It is stated in 19 U.S.C. 3206(b) that no duty-free treatment extended to beneficiary countries under the ATPA will remain in effect 10 years after December 4, 1991, which, as noted above, is the date of enactment of the ATPA.

Nevertheless, the Administration anticipates that the duty-free treatment accorded to merchandise eligible for such treatment under the provisions of the ATPA will be restored and made retroactive to the date of initial termination (December 4, 2001).

After consultation with the State Department, the Department of Commerce, the United States Trade Representative, the Office of National Drug Control Policy, and others, it has been determined that there is a national security interest to be furthered by an interim deferral of collection of estimated duties on merchandise from the Andean nations previously eligible for such treatment. The ATPA serves to help encourage and expand legitimate economic activities in countries combatting illegal narcotic production and trafficking and related criminal and terrorist activities.

The ATPA explicitly references that satisfying the narcotics cooperation certification criteria set forth in section 481(h)(2)(A) of the Foreign Assistance Act of 1961 (deemed to be a reference to section 490 of the Foreign Assistance Act, codified at 22 U.S.C. 2291j) is an important factor in determining a country's eligibility to be designated as a beneficiary under the ATPA. The Andean nations that have been designated as beneficiaries under the ATPA were last determined on March 1, 2001, to satisfy these criteria. (Section 591(5) of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002 (Pub. L. 107–115, 115 Stat. 2118, January 10, 2002), makes section 490 of the Foreign Assistance Act inoperative in FY 2002 and provides for modified procedures which contain many of the same elements as section 490.) Accordingly, an interim deferral of estimated duties and fees in anticipation of Congressional re-enactment of the ATPA within the next 90 days is appropriate to further the national security interest in combating narcotic production and trafficking and related criminal and terrorist activities.

To this end, Customs is amending § 141.102 of the Customs Regulations (19 CFR 141.102) to provide that as of February 15, 2002, an importer of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, may exercise the option to defer the payment of estimated Customs duties and fees on the entry of those articles until May 16, 2002.

Action in this matter is intended to relieve the importing public from having to deposit estimated duties and fees on eligible merchandise and then having to apply for a refund of the duties in the event duty-free treatment is retroactively re-authorized for such merchandise under the ATPA in the next 90 days.

If an importer chooses to use the option of filing estimated duties and fees more than 10 days after the date of entry of the merchandise, Customs will require paper filings of the entry and entry summary.

Administrative Procedure Act, Regulatory Flexibility Act and Executive Order 12866

After consultation with the Department of State, the Department of Commerce, the United States Trade Representative, the Office of National Drug Control Policy, and others, it has been determined that there is a national security interest to be furthered by an interim deferral of collection of estimated duties on merchandise from the Andean nations previously eligible for such treatment. Accordingly, because the national security interest at issue involves a foreign affairs function of the United States, notice and public procedure are not required pursuant to 5 U.S.C. 553(a)(1). This action will also provide the importing public an option to avoid having to deposit estimated duties and fees on eligible merchandise and then having to apply for a refund of the duties if, as expected, duty-free treatment is retroactively re-authorized for such merchandise under the ATPA in the next 90 days. Accordingly, notice and public procedure are not required pursuant to 5 U.S.C. 553(b)(B). For these same reasons, a delayed effective date is not required pursuant to 5 U.S.C. 553(a)(1) and (d)(1).

Because no notice of proposed rulemaking is required, this temporary rule is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Nor is this temporary rule a ''significant regulatory action'' for purposes of E.O. 12866.

List of Subjects in 19 CFR Part 141

Customs duties and inspection, Entry of merchandise, Release of merchandise, Reporting and recordkeeping requirements.

Amendments to the Regulations

Part 141, Customs Regulations (19 CFR part 141), is amended as set forth below.

PART 141—ENTRY OF MERCHANDISE

1. The general authority citation for part 141 and the specific authority citation for subpart G continue to read, and a new specific authority citation for § 141.102(e) is added in appropriate numerical order to read, as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1431, 1433, 1434, 1624; 46 U.S.C. App. 3, 91.

* * * * *

Subpart G also issued under 19 U.S.C. 1505;

* * * * *

Section 141.102(e) also issued under 19 U.S.C. 3;

* * * * *

2. Section 141.102 is amended by adding a new paragraph (e) to read as follows:

§ 141.102 When deposit of estimated duties, estimated taxes, or both not required.

* * * * *

(e) *Merchandise otherwise duty-free under Andean Trade Preference Act (ATPA).* For merchandise entered or withdrawn from warehouse for consumption in the customs territory of the United States on or after February 15, 2002, an importer of eligible articles that, but for the expiration of the Andean Trade Preference Act (ATPA), would have been entitled to duty-free treatment under the ATPA, may, at the importer's option, defer the payment of estimated Customs duties and fees on the entry of those articles until May 16, 2002. Merchandise eligible for duty-free treatment under the ATPA is identified in General Note 11, Harmonized Tariff Schedule of the United States (HTSUS), and in the relevant ''Special'' rate of duty column in the HTSUS. The procedure for obtaining duty-free treatment for merchandise otherwise eligible for such treatment under the ATPA is contained in § 10.207 of this chapter. If the option is taken to deposit the estimated duties and fees more than 10 days from the date of entry, the entry and entry summary will not be accepted by Customs electronically.

Robert C. Bonner,

Commissioner of Customs.

Approved: February 13, 2002.

Timothy E. Skud,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 02–4009 Filed 2–13–02; 4:46 pm]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 529

Certain Other Dosage Form New Animal Drugs; Albuterol

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Boehringer Ingelheim Vetmedica, Inc. The NADA provides for use of an intranasal aerosol of albuterol sulfate for relief of bronchospasm and bronchoconstriction in horses.

DATES: This rule is effective February 15 2002.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540.

SUPPLEMENTARY INFORMATION: Boehringer Ingelheim Vetmedica, Inc., 2621 North Belt Highway, St. Joseph, MO 64506–2002, filed NADA 141–180 that provides for use of TORPEX (albuterol sulfate) Aerosol for the immediate relief of bronchospasm and bronchoconstriction associated with reversible airway obstruction in horses. The NADA is approved as of November 16, 2001, and the regulations are amended in 21 CFR part 529 by adding § 529.40 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(c)(2)(F)(i)), this approval qualifies for 5 years of marketing exclusivity beginning November 16, 2001, because no active ingredient (including any ester or salt of the drug) has been previously approved in any other application filed under section 512(b)(1) of the act.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 529

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 529 is amended as follows:

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 529 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 529.40 is added to read as follows:

§ 529.40 Albuterol.

(a) *Specifications.* A net weight of 6.7 grams of formulated albuterol sulfate is supplied in a pressurized aluminum canister within an actuator system equipped with a detachable nasal delivery bulb.

(b) *Approvals.* See No. 000010 in § 510.600(c) of this chapter for uses as in paragraph (d) of this section.

(c) *Special considerations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(d) *Conditions of use*—(1) *Amount.* Each valve actuation (puff) of the device delivers 120 micrograms (mcg) of albuterol sulfate. One dose is three (3) puffs, totaling 360 mcg.

(2) *Indications for use.* For the immediate relief of bronchospasm and bronchoconstriction associated with reversible airway obstruction in horses.

(3) *Limitations.* Not for use in horses intended for food.

Dated: February 4, 2002.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 02–3738 Filed 2–14–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[DEA–206]

RIN 1117–AA55

Exemption From Control of Certain Industrial Products and Materials Derived From the Cannabis Plant

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Interim Rule; extension of grace period to dispose of existing inventories of hemp products.

SUMMARY: On October 9, 2001, DEA published in the **Federal Register** (66 FR 51539) an interim rule which exempted from control certain THC-containing industrial products, processed plant materials used to make such products, and animal feed mixtures. With respect to those products that were not exempted from control under the interim rule, DEA provided in the interim rule a 120-day grace period to allow persons with existing inventories to dispose of such inventories. The 120-day grace period ended on February 6, 2002. However, DEA will now extend the grace period until March 18, 2002, under the same terms as previously set forth in the interim rule.

DATES: Effective October 9, 2001. The grace period for the disposal of existing inventories of non-exempted hemp products which expired on February 6, 2002, is extended to March 18, 2002.

FOR FURTHER INFORMATION, CONTACT: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7183.

SUPPLEMENTARY INFORMATION: On October 9, 2001, DEA published in the **Federal Register** (66 FR 51,539) an interim rule which exempted from control certain THC-containing industrial products, processed plant materials used to make such products, and animal feed mixtures. With respect to those products that were not exempted from control under the interim rule, DEA provided in the interim rule a 120-day grace period to allow persons with existing inventories to dispose of such inventories. The 120-day grace period ended on February 6, 2002. However, DEA will now extend the grace period until March 18, 2002, under the same terms as previously set forth in the interim rule.

Therefore, the terms of the extended grace period are as follows:

Any person who currently possesses a THC-containing ''hemp'' product not exempted from control under the October 9, 2001 interim rule has until March 18, 2002 to dispose of such product. However, during this extended grace period (as was the case during the prior grace period), no person may use any THC-containing ''hemp'' product for human consumption (as defined in the interim rule); nor may any person manufacture or distribute such a product with the intent that it be used for human consumption within the United States.

Regulatory Certifications

Regulatory Flexibility Act

The Administrator, Drug Enforcement Administration, hereby certifies that this rulemaking has been drafted in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation, and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This rulemaking extends the grace period for persons to remove existing inventories of products containing tetrahydrocannabinols from their inventories and legally dispose of them.

Executive Order 12866

The Administrator further certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866 section 1(b). DEA has determined that this is not a significant rulemaking action. Therefore, this action has not been reviewed by the Office of Management and Budget. This rulemaking provides a benefit to the regulated industry by extending the grace period for persons to legally dispose of existing inventories of products containing tetrahydrocannabinols.

Executive Order 12988

This regulation meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Executive Order 13132

This rulemaking does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Dated: February 11, 2002.

Asa Hutchinson,

Administrator.

[FR Doc. 02–3934 Filed 2–13–02; 3:07 pm]

BILLING CODE 4410–09–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. FHWA–2001–8846]

RIN 2125–AE83

Revision of the Manual on Uniform Traffic Control Devices; Accessible Pedestrian Signals

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: This document contains Revision No. 1 to the 2000 Millennium Edition of the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the FHWA. The 2000 Millennium Edition of the MUTCD is incorporated by reference in 23 CFR Part 655, subpart F, and recognized as the national standard for traffic control devices used on all public roads. The purpose of this revision is to revise the guidance and supporting information relating to the decisionmaking process concerning accessible pedestrian signals in Parts 1 and 4 of the MUTCD.

The FHWA is issuing an interim final rule to provide an opportunity for the public to review and make comment on the necessary changes to the pertinent electronic files on the FHWA's MUTCD Internet site (*http://mutcd.fhwa.dot.gov*) to comply with section 508 of the Rehabilitation Act of 1973. After reviewing comments regarding these electronic files, the FHWA may modify the interim final rule and issue a revision and a final rule.

DATES: This interim final rule is effective March 18, 2002. Comments related to the necessary changes made to the pertinent electronic files in order to comply with section 508 must be received on or before April 16, 2002. The incorporation by reference of the publication listed in this regulation is approved by the Director of the Office of the Federal Register as of March 18, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Huckaby, Office of Transportation Operations, Room 3408, (202) 366–9064, or Mr. Raymond Cuprill, Office of the Chief Counsel, Room 4230, (202) 366–0791, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL) *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this action may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The text of Revision No. 1 and the text of the 2000 Millennium Edition of the MUTCD with Revision No. 1 text incorporated are available for inspection and copying as prescribed in 49 CFR part 7 at the FHWA Office of Transportation Operations. Furthermore, Revision No. 1 changes, as discussed here, are available on the MUTCD Internet site (*http://mutcd.fhwa.dot.gov*). The entire MUTCD text with Revision No. 1 text incorporated is also available on this Internet site.

Section 508 of the Rehabilitation Act, 29 U.S.C. 794d (2001), requires that certain electronic and information technology (''EIT'') be accessible to individuals with disabilities. By regulation, 36 CFR 1194.4 (2001), EIT includes information contained on world wide websites. Therefore, to comply with Section 508, the FHWA has added to its MUTCD Internet site (*http://mutcd.fhwa.dot.gov*), for the electronic files which are affected by this interim final rule, an alternative format (hypertext markup language—HTML), that is accessible to individuals with disabilities. Included within those HTML files are narrative descriptions of the illustrations (figures) that are contained within the affected non-accessible format electronic files. The FHWA is issuing this interim final rule to provide an opportunity for the public to review and make comment on the narrative descriptions of the illustrations. After reviewing comments regarding these descriptions, the FHWA may modify the interim final rule and issue a revision and a final rule.

Summary of Comments

The FHWA published a notice of proposed amendment (NPA) on May 17, 2001, at 66 FR 27480, with a 30-day comment period, in response to several letters received by the U.S. Department of Transportation objecting to language in the text of the MUTCD summarized in the final rule published on December 18, 2000, at 65 FR 78923. The comment period ended on June 18, 2001. The FHWA has reviewed the comments received to the docket in response to the NPA. The FHWA is acting on the items published in the notice of proposed amendments, as described in the discussion below. Each action and its basis is summarized below:

Discussion of Adopted Amendments to Part 1—General

The FHWA received five comments to the docket concerning the proposed revision to Part 1. One comment was from an individual and four comments represented public/private interest groups.

1. In Section 1A.11 Relation to Other Documents, the FHWA is adding a new document, '' 'Accessible Pedestrian Signals,' A–37, U.S. Architectural and Transportation Barriers Compliance Board (The U.S. Access Board),'' to the publications listed in the SUPPORT statement. All four of the commenters supported this change.

Discussion of Adopted Amendments to Part 4—Signals

The FHWA received five comments to the docket concerning the proposed revisions to Part 4. One comment was from an individual and four comments represented public/private interest groups.

1. In Section 4E.06 Accessible Pedestrian Signals, the FHWA is revising the first SUPPORT statement to read, ''SUPPORT: The primary technique that pedestrians who have visual disabilities use to cross streets at signalized intersections is to initiate their crossing when they hear the traffic in front of them stop and the traffic alongside them begin to move, corresponding to the onset of the green interval. This technique is effective at many signalized intersections. The existing environment is often sufficient to provide the information that pedestrians who have visual disabilities need to operate safely at a signalized intersection. Therefore, many signalized intersections will not require any accessible pedestrian signals.''

Four of the commenters supported this language. The other commenter believes that although the term ''many'' is technically accurate regarding the number of intersections where the primary technique (used by pedestrians with visual disabilities to cross streets at signalized intersections) is effective, it understates current reality. The commenter further indicates that although no data has been published to prove the precise percentage of intersections where the primary non-visual technique to cross an intersection is effective, experience and accumulated knowledge indicate that the vast majority of intersections do not require an accessible pedestrian signal for the execution of a safe crossing. The word, ''majority,'' is preferred when discussing where the primary non-visual technique to cross an intersection is effective. The FHWA believes no change is necessary to this language because as indicated by the commenter, no one has any data to indicate how many intersections may or may not require accessible pedestrian signals. Furthermore, the commenter indicated that the term ''many'' is technically correct. Therefore, since there is no data to support that the use of the word ''many'' is not proper, the FHWA will use the language published in the NPA.

2. In Section 4E.06 Accessible Pedestrian Signals, the FHWA is revising the first GUIDANCE statement to read, ''GUIDANCE: If a particular

signalized intersection presents difficulties for pedestrians who have visual disabilities to cross safely and effectively, an engineering study should be conducted that considers the safety and effectiveness for pedestrians in general, as well as the information needs of pedestrians with visual disabilities.''

Four of the commenters support this language. The fifth commenter believes the language in the current MUTCD should be retained and a new sentence be added regarding an engineering study. The commenter reasons that local traffic engineers should be given the greatest level of flexibility to address the needs of their local community. The FHWA believes the language in Section 4E.06 of the May 17, 2001, NPA and the information in Chapter 4B of the MUTCD concerning engineering studies and engineering judgment adequately addresses the needs of all pedestrians and pedestrians who may have visual disabilities. Whether to install a traffic signal, or to install or add pedestrian signals with or without accessible pedestrian signals is and always has been a State or local public agency decision. The need for an engineering study is clearly also articulated in Chapter 2B of the MUTCD and in the first and second GUIDANCE statements of Section 4E.06. The FHWA does not believe that the proposed text diminishes how a traffic engineer will address a request for accessible pedestrian signals, and that the engineer will examine the needs of all pedestrians and find solutions within the means of his/her jurisdiction to any discovered issue.

3. In Section 4E.06 Accessible Pedestrian Signals, the FHWA is revising the second paragraph of the second SUPPORT statement to read, ''Local organizations, providing support services to pedestrians who have visual and/or hearing disabilities, can often act as important advisors to the traffic engineer when consideration is being given to the installation of devices to assist such pedestrians. Additionally, orientation and mobility specialists or similar staff also might be able to provide a wide range of advice. The U.S. Access Board's Document A–37, 'Accessible Pedestrian Signals,' provides various techniques for making pedestrian signal information available to persons with visual disabilities.'' All five of the commenters support this language.

4. In Section 4E.06 Accessible Pedestrian Signals, the FHWA is deleting the second GUIDANCE statement from the MUTCD. This statement covered the consideration of advice from organizations that represent individuals with disabilities (this consideration is already covered in the second SUPPORT statement), and covered the process of determining whether accessible pedestrian signals are needed and the cost considerations (the process is already covered in the revised first GUIDANCE statement that discusses an engineering study. An engineering study covers the consideration of cost).

Four of the commenters support the deletion of this language. The fifth commenter believes that without this text there will be a tendency to give deference to organizations and agencies controlled by professionals in the field. The commenter believes that it is imperative that traffic engineers also seek the advice of organizations representing the blind and visually impaired and from local members of the blind and visually impaired community. The FHWA believes that this deletion will not result in traffic engineers giving deference to just ''organizations and agencies controlled by professionals in the field.'' The text stated that ''Advice from organizations who represent pedestrians * * * should be given deference.'' Deleting this text eliminates this language. Additionally, the FHWA believes that the SUPPORT information in the revised second paragraph of the second SUPPORT statement provides three different types of ways for traffic engineers to receive input, in addition to the members of the local blind and visually impaired community who initiated the request.

The fifth commenter was concerned with the deletion of the second paragraph of the second GUIDANCE statement because ''a request from a single individual or a small number of individuals may initiate a study and examination of whether APS's [accessible pedestrian signals] should be installed.'' The FHWA believes the revised text adequately provides guidance on when engineering studies of a signalized intersection should be conducted and that the second paragraph of the second GUIDANCE statement is no longer needed. Engineering studies can examine numerous tools to assist pedestrians, including accessible pedestrian signals.

Rulemaking Analysis and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of U.S. Department of Transportation regulatory policies and procedures. The economic impact of this rulemaking will be minimal. The changes in this interim final rule provide additional guidance and support information relating to the decisionmaking process concerning whether or not to install accessible pedestrian signals. The FHWA believes that the uniform application of traffic control devices will greatly improve the traffic operations efficiency and roadway safety. The standards, guidance, and support are also used to create uniformity and to enhance safety and mobility at little additional expense to public agencies or the motoring public. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this action on small entities. This interim final rule only revises guidance and support information related to the decisionmaking process concerning accessible pedestrian signals in the MUTCD. The changes are intended to improve traffic operations and safety, to expand guidance, and to clarify the application of traffic control devices as related to accessible pedestrian signals. The FHWA hereby certifies that these revisions will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This action will not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Public Law 104–4, March 22, 1995, 109 Stat. 48). This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (2 U.S.C. 1531 *et seq.*).

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and the FHWA has determined that this action does not have a substantial direct effect or sufficient federalism implications on States and local governments that would limit the policymaking discretion of the States and local governments. This action merely adds guidance and supporting information for the decisionmaking process concerning whether or not to install accessible pedestrian signals. The FHWA has also determined that this action will not preempt any State law or regulation or

affect the State's ability to discharge traditional State government functions.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175, dated November 6, 2000, and believes that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal law. This action merely adds guidance and supporting information for the decisionmaking process concerning whether or not to install accessible pedestrian signals. Therefore, a tribal summary impact statement is not required.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA has determined that this action does not contain a collection of information requirement for purposes of the PRA.

Executive Order 12988 (Civil Justice Reform)

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

Executive Order 13045 (Protection of Children)

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

Executive Order 12630 (Taking of Private Property)

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

Executive Order 13211 (Energy Effects)

We have analyzed this interim final rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a significant energy action under that order because it is not a significant regulatory action under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects under Executive Order 13211 is not required.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it will not have any effect on the quality of the environment.

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 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.

List of Subjects in 23 CFR Part 655

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Signs, Traffic regulations.

Issued on: February 8, 2002.

Mary E. Peters,

Administrator, Federal Highway Administrator.

The FHWA hereby amends chapter I of title 23, Code of Federal Regulations, part 655 as set forth below:

PART 655—TRAFFIC OPERATIONS

1. The authority citation for part 655 continues to read as follows:

Authority: 23 U.S.C. 101(a), 104, 109(d), 114(a), 217, 315, and 402(a); 23 CFR 1.32; and 49 CFR 1.48(b).

Subpart F—Traffic Control Devices on Federal-Aid and Other Streets and Highways

2. Revise § 655.601(a) to read as follows:

§ 655.601 Purpose.

* * * * *

(a) Manual on Uniform Traffic Control Devices (MUTCD), 2000 Millennium Edition, FHWA, dated December 2000, including Errata No. 1 to MUTCD 2000 Millennium Edition dated June 14, 2001, and Revision No. 1 dated December 28, 2001. This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These documents are available for inspection and copying at the Federal Highway Administration, 400 Seventh Street, SW., Room 3408, Washington, DC 20590, as provided in 49 CFR Part 7. The text is also available from the Federal Highway Administration's Office of Transportation Operation's website at: *http://mutcd.fhwa.dot.gov.*

* * * * *

[FR Doc. 02–3619 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–22–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in March 2002. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

EFFECTIVE DATE: March 1, 2002.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying

plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to part 4022).

Accordingly, this amendment (1) adds to Appendix B to part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during March 2002, (2) adds to Appendix B to part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during March 2002, and (3) adds to Appendix C to part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during March 2002.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 5.60 percent for the first 25 years following the valuation date and 4.25 percent thereafter. These interest assumptions are represent a decrease (from those in effect for February 2002) of 0.20 percent for the first 25 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 4.50 percent for the period during which a benefit is in pay status, and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for February 2002) of 0.25 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during March 2002, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

2. In appendix B to part 4022, Rate Set 101, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
101	3–1–02	4–1–02	4.50	4.00	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 101, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
101	3–1–02	4–1–02	4.50	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*		*	*
March 2002	.0560	1–25	.0425	>25	N/A	N/A

Issued in Washington, DC, on this 8th day of February 2002.

Steven A. Kandarian,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 02–3779 Filed 2–14–02; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

[Department of the Treasury Circular, Public Debt Series, No. 2–86]

Regulations Governing Book-Entry Treasury Bonds, Notes and Bills

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Interim rule with request for comments.

SUMMARY: The Department of the Treasury is making technical changes to the Regulations Governing Book-Entry Treasury Bonds, Notes and Bills held in the commercial book-entry system (the ''TRADES regulations''), so that they conform to certain provisions in Revised Article 9 of the Uniform Commercial Code—Secured Transactions. In addition, Treasury is rewriting the TRADES regulations in plain language, without any additional substantive changes.

DATES: Effective February 15, 2002. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of February 15, 2002. To be considered, comments must be received no later than April 1, 2002.

ADDRESSES: Submit comments to Walter Eccard, Chief Counsel; or Geraldine Porco-Hubenko, Attorney-Adviser; Office of the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, 999 E Street, Room 501, Washington DC 20239 or by e-mail at: *Walter.Eccard@bpd.treas.gov* or *Geraldine.Porco@bpd.treas.gov.* See Supplementary Information section for electronic access.

FOR FURTHER INFORMATION CONTACT: Walter Eccard, Chief Counsel; Geraldine J. Porco-Hubenko, Attorney-Adviser; or Sandy Dyson, Attorney-Adviser; at (202) 691–3520.

SUPPLEMENTARY INFORMATION:

Electronic Access

Copies of this notice are available for downloading from the Bureau of the Public Debt home page at: *http://www.publicdebt.treas.gov.*

Background

The Treasury/Reserve Automated Debt Entry System (TRADES) rules, 61 FR 43626, were issued on August 23, 1996 by the Department of the Treasury. The TRADES rules generally are based on the 1994 Uniform Commercial Code Article 8, ''Investment Securities'' (''Revised Article 8''). The rules specify which jurisdiction's law governs certain matters related to Treasury securities in TRADES or the commercial book-entry system. As more fully described in Appendix B, Persons holding Treasury book-entry securities in TRADES hold their interest in such securities in a tiered system of ownership accounts. In addition, several Government Sponsored Enterprises (GSEs) have issued rules that are modeled on the TRADES regulations.

Revised Article 9

U.C.C. Revised Article 9 is a substantial revision of the uniform law on secured transactions. It has now been adopted by 50 states and the District of Columbia. Revised Article 9 (with conforming amendments) amends certain provisions of Revised Article 8 (with conforming amendments).

By a separate notice published in the **Federal Register** (66 FR 33832, June 26, 2001), we addressed those states whose statutes we had previously determined were ''substantially identical'' to the uniform version of Revised Article 8 for purposes of interpreting the TRADES regulations. We confirmed that the adoption by a state of amendments to Revised Article 8 contained in Revised Article 9 does not affect that earlier determination. We noted, however, that we had identified several provisions in Revised Article 9 that might require technical or conforming changes to the TRADES regulations. This rulemaking document makes those changes. They are:

- *Section 357.11(b).* The current TRADES provision is closely based on the choice of law rules in U.C.C. 8–110, which has been amended by Revised Article 9 (see § 9–305(a)(3) and § 8–110(e)(1)). These new provisions provide, in effect, that an agreement between a securities intermediary and its entitlement holder may expressly specify a jurisdiction exclusively for purposes of Revised Article 8. New Section 357.11(b)(1) conforms to this provision. This change will allow Treasury securities transactions to continue to be subject to the same rules that are applicable to other securities. In other words, without this change, the TRADES rules, which are Federal law and preempt state law, would not provide for the new choice of law option available under state law (the U.C.C.) that applies to other securities subject to state law.
- *Section 357.11(d).* The TRADES regulations provide that the law of the jurisdiction in which the Person creating a security interest (e.g., the debtor) is located, governs whether and how the security interest may be perfected, either automatically or by filing a financing statement. In the TRADES commentary (Appendix B, Section-by-Section Analysis, Section 357.11), we stated, ''the language 'is located' is intended to conform to its meaning under applicable law, as it may be amended from time to time. See, *e.g.*, U.C.C. section 9–103(3)(d).'' Former U.C.C. 9–103(3)(d) provided that a debtor was deemed to be located ''at his

place of business if he has one, at his chief executive office if he has more than one place of business, otherwise at his residence.''

Section 9–307 of Revised Article 9 amends prior law on the location of the debtor. New TRADES Section 357.11(d) provides that the location of a Person is determined by state law, including Revised Article 9. The changes are being made to make clear that the new debtor location rule in Revised Article 9 may be applied in TRADES § 357.11(c), and to eliminate any possible ambiguity under the former rules or commentary.

It is desirable that these changes, which are minor or technical in nature, become effective as soon as possible to maintain consistency in treatment of U.S. securities transactions with the commercial law applicable to non-U.S. securities. As noted above, all 50 states plus the District of Columbia have enacted Revised Article 9, the vast majority with an effective date of July 1, 2001. For these reasons, this rule is being issued in interim form becoming effective on the date of publication, in accordance with the provisions of 5 U.S.C. 553. After receiving and considering any comments, we will issue a final rule. At that time, we intend to supplement Appendix B with an update describing these changes.

We also intend to continue to coordinate with the GSEs and other agencies that have rules modeled on the TRADES rules, in an effort to maintain consistency among all these rules. All GSEs, except HUD and TVA, reiterate the TRADES provisions, and thus would need to be changed. HUD and TVA regulations provide that §§ 357.2 and 357.11 apply and should be read as though modified to effectuate their application to the GSE securities.

Federal Preemption

• *Sections 357.10(c) and 357.11(e).* These provisions, along with the new definition of ''Revised Article 9'' in § 357.2, merely clarify that if a state has enacted either the Uniform Commercial Code, Revised Article 8, Investment Securities (with Conforming and Miscellaneous Amendments to Articles 1, 3, 4, 5, 9 and 10) 1994 Official Text, or the most current version of Article 8 (as amended by the 1999 Revised Article 9), then Federal law as prescribed by §§ 357.10(c) and 357.11(e) does not apply.

We noted above that 50 states plus the District of Columbia have enacted Revised Article 9. Furthermore, we recently published **Federal Register** notices acknowledging that Rhode Island and South Carolina have adopted Revised Article 9. In Appendix B of § 357, we stated that current §§ 357.10(c) and 357.11(d) would be deleted once the state adoption process was complete. However, at the present time, the Virgin Islands and other territories and possessions have not adopted Revised Article 9, and are subject to Article 8 preemption. We invite comments as to whether the preemption provisions in §§ 357.10(c) and 357.11(d) should nonetheless be removed, and if so, what impact, if any, this action might have.

Plain Language

Executive Order 12866 directs that regulations be written in plain language. In this rule, we are rewriting 31 CFR part 357, Subpart B, in plain language. This is intended to make the regulations easier to comprehend; no substantive changes are intended. In addition, where TRADES adopts Revised Article 8, the plain language rewrite in TRADES is not intended to substantively change the Revised Article 8 rule. We have retained the existing order and numbering scheme for the sections in Subpart B, except that we moved § 357.44 from Subpart D to § 357.15 in Subpart B, because it relates to TRADES.

Request for Comments

In addition to comments on substantive changes, we invite comments on whether this Interim Rule is clear, and whether the regulations can be made easier to understand.

Procedural Requirements

This interim rule is not a ''significant regulatory action'' as defined in Executive Order 12866. Although it is being issued for comment in order to secure the benefit of public comment, the notice and public comment procedures requirements of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2). As no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

This regulation does not contain a collection of information, and therefore the Paperwork Reduction Act does not apply.

List of Subjects in 31 CFR Part 357

Bonds, Electronic funds transfer, Federal Reserve System, Government securities, Incorporation by reference, Securities.

For the reasons discussed in the preamble, the Department of the Treasury amends 31 CFR part 357, as follows:

PART 357—REGULATIONS GOVERNING BOOK-ENTRY TREASURY BONDS, NOTES AND BILLS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 2–86)

1. The authority citations for part 357 continue to read as follows:

Authority: 31 U.S.C. Chapter 31; 5 U.S.C. 301; 12 U.S.C. 391.

2. Section 357.2 is amended by revising the definition for ''Revised Article 8'' and adding a definition for ''Revised Article 9'' to read as follows:

§ 357.2 Definitions.

* * * * *

Revised Article 8 means Uniform Commercial Code, Revised Article 8, Investment Securities (with Conforming and Miscellaneous Amendments to Articles 1, 3, 4, 5, 9 and 10) 1994 Official Text. The Director of the Federal Register approves the incorporation by reference of Revised Article 8 of the Uniform Commercial Code in this part, pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. Revised Article 8 was adopted by the American Law Institute and the National Conference of Commissioners On Uniform State Laws and approved by the American Bar Association on February 14, 1995. Copies of Revised Article 8 are available from the Executive Office of the American Law Institute, 4025 Chestnut Street, Philadelphia, PA 19104, and the National Conference of Commissioners on Uniform State Laws, 211 East Ontario Street, Suite 1300, Chicago, IL 60611. Copies are also available for public inspection at the Department of the Treasury Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, and at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

Revised Article 9 means Uniform Commercial Code, Revised Article 9, Secured Transactions (with conforming amendments to Articles 1, 2, 2A, 4, 5, 6, 7, and 8), 1999 official text. The Director of the Federal Register approves the incorporation by reference of Revised Article 9 of the Uniform Commercial Code in this part, pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. Revised Article 9 was approved by the American Law Institute and the National Conference of Commissioners On Uniform State Laws in 1998. Copies of Revised Article 9 are available from the Executive Office of the American Law Institute, 4025 Chestnut Street, Philadelphia, PA 19104, and the

National Conference of Commissioners on Uniform State Laws, 211 East Ontario Street, Suite 1300, Chicago, IL 60611. Copies are also available for public inspection at the Department of the Treasury Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

* * * * *

3. Subpart B is revised to read as follows:

Subpart B—Treasury/Reserve Automated Debt Entry System (TRADES)

357.10 Laws governing a Treasury book-entry security, TRADES, and security interests or entitlements.
357.11 Laws governing other interests in Treasury securities.
357.12 A Participant's Security Entitlement.
357.13 Obligations of the United States and the Federal Reserve Banks with respect to Book-entry Securities and security interests.
357.14 What authority does a Federal Reserve Bank have?
357.15 How can a debtor's interest in a Security Entitlement be reached by creditors?

§ 357.10 Laws governing a Treasury book-entry security, TRADES, and security interests or entitlements.

(a) *What law governs the rights and obligations of the United States and the Federal Reserve Banks; and the rights of any Person against the United States and the Federal Reserve Banks?* Except as we provide in paragraph (b) of this section, the following are governed solely by Treasury regulations, including the regulations of this part, the applicable offering circular (which is 31 CFR part 356, in the case of securities issued on and after March 1, 1993), the announcement of the offering, and Federal Reserve Bank Operating Circulars:

(1) The rights and obligations of the United States and the Federal Reserve Banks with respect to a Book-entry Security or Security Entitlement and the operation of TRADES, and

(2) The rights of any Person, including a Participant, against the United States and the Federal Reserve Banks with respect to a Book-entry Security or Security Entitlement and the operation of TRADES.

(b) *What law governs security interests in Security Entitlements that are not recorded on a Federal Reserve Bank's books?* See the following table:

If a security interest in a security entitlement is—	And it is—	Then it is governed by—
(1) in favor of a Federal Reserve Bank from a Participant.	not recorded on the books of a Federal Reserve Bank pursuant to § 357.12(e)(2).	the law (not including the conflict-of-law rules) of the jurisdiction where the head office of the Federal Reserve Bank maintaining the Participant's Securities Account is located.
(2) in favor of a Federal Reserve Bank from a Person that is not a Participant.	not recorded on the books of a Federal Reserve Bank pursuant to § 357.12(e)(2).	the law determined in the manner specified in § 357.11.

(c) *What law governs if the jurisdiction in paragraph (b)(1) of this section did not adopt Revised Article 8, or Revised Article 8 as amended by Revised Article 9 (both incorporated by reference, see Sec. 357.2)?* The law specified in paragraph (b)(1) of this section shall be the law of that State as though that State adopted Revised Article 8.

§ 357.11 Laws governing other interests in Treasury securities.

(a) *What does the law (not including the conflict-of-law rules) of a Securities Intermediary's jurisdiction govern?* To the extent not inconsistent with these regulations, the law (not including the conflict-of-law rules) of a Security Intermediary's jurisdiction governs the following:

(1) When a Person acquires a Security Entitlement from the Securities Intermediary;

(2) The rights and duties of the Securities Intermediary and Entitlement Holder that arise out of a Security Entitlement;

(3) Whether the Securities Intermediary owes any duties to an adverse claimant to a Security Entitlement;

(4) Whether a Person may assert an Adverse Claim against a Person who acquires a Security Entitlement from the Securities Intermediary or against a Person who purchases a Security Entitlement or interest therein from an Entitlement Holder; and

(5) The perfection, effect of perfection or non-perfection and priority of a security interest in a Security Entitlement (except as otherwise provided in paragraph (c) of this section).

(b) *What is the "Securities Intermediary's jurisdiction" for purposes of this section?* See the following table:

If . . .	Then the securities intermediary's jurisdiction is . . .
(1) An agreement between the Securities Intermediary and its Entitlement Holder governing the securities account expressly provides that a particular jurisdiction is the Securities Intermediary's jurisdiction for purposes of Part 1 of Article 8 of the Uniform Commercial Code, Article 8 of the Uniform Commercial Code, or the Uniform Commercial Code.	the jurisdiction agreed upon.
(2) An agreement between the Securities Intermediary and its Entitlement Holder governing the securities account expressly provides that it is governed by the law of a particular jurisdiction.	the jurisdiction agreed upon.
(3) The statements in paragraphs (b)(1) and (2) of this table do not apply, but the agreement expressly specifies that the securities account is maintained at an office in a particular jurisdiction.	the jurisdiction where the office is located.
(4) The statements in paragraphs (b)(1) through (3) of this table do not apply and an account statement identifies the office serving the Entitlement Holder's account.	the jurisdiction where the office is located.
(5) None of the statements in paragraphs (b)(1) through (4) of this table apply	the jurisdiction in which the chief executive office of the Securities Intermediary is located.

(c) *What law governs the perfection of a security interest automatically or by filing?* The law (but not the conflict-of-law rules) of the jurisdiction in which the Person creating a security interest is located governs whether and how the security interest may be perfected automatically or by filing a financing statement. (This is despite the general rule in (a)(5) of this section).

(d) *Where is a Person located, for purposes of paragraph (c) of this section?* A Person's location is determined under state law, including Revised Article 9 (incorporated by reference, see § 357.2), as it may be amended from time to time.

(e) *What law governs if the jurisdiction in table (b) of this section did not adopt Revised Article 8 or Revised Article 8 as amended by Revised Article 9 (both incorporated by reference, see § 357.2)?* The law for the matters specified in paragraph (a) of this section shall be the law of that State as though the State adopted Revised Article 8.

(f) *What other rules apply?* For purposes of the matters specified in paragraph (a) of this section, the Federal Reserve Bank maintaining the Securities Account is a clearing corporation and the Participant's interest in a Book-entry Security is a Security Entitlement.

§ 357.12 A Participant's Security Entitlement.

(a) *How is a Participant's Security Entitlement created?* A Federal Reserve Bank indicates by book entry that a Book-entry Security has been credited to a Participant's Securities Account.

(b) *What else do I need to know about a Participant's Security Entitlement?* See the following table:

If a security interest in a security entitlement of a participant . . .	Then . . .
(1) Meets all of the following criteria: (i) is in favor of the United States (ii) is marked on the books of a Federal Reserve Bank ..... (iii) is to secure deposits of public money (including without limitation deposits to the Treasury tax and loan accounts, or other security interested required by Federal statute, regulation, or agreement).	it is created; it is perfected; and it has priority over any other interest in the securities.

(c) *What is the effect of the marking of a security interest in favor of the United States in a Security Entitlement of a Participant on the books of a Federal Reserve Bank?* Where a security interest in favor of the United States in a Security Entitlement of a Participant is marked on the books of a Federal Reserve Bank, such Reserve Bank may rely, and is protected in relying, exclusively on the order of an authorized Representative of the United States directing the transfer of the Security.

(d) *Who is an authorized Representative of the United States, for purposes of paragraph (c) in this section?* The official designated in the applicable regulations or in an agreement to which a Federal Reserve Bank is a party, governing the security interest.

(e)(1) *Must the United States and the Federal Reserve Banks agree to act on behalf of any Person or to recognize the interest of any transferee of a security interest or other limited interest in favor of any Person?* No, they need not agree to act or recognize any party's interest, except:

(i) To the extent of any specific requirement of Federal law or regulation, or

(ii) To the extent set forth in any specific agreement with the Federal Reserve Bank on whose books the interest of the Participant is recorded.

(2) *May a security interest be created and perfected by a Federal Reserve Bank marking its books?* Yes, a security interest in a Security Entitlement that is in favor of a Federal Reserve Bank or a Person may be created and perfected by a Federal Reserve Bank marking its books to record the security interest to the extent required by law, regulation, or an agreement with a Federal Reserve Bank or the Federal Reserve Bank Operating Circular.

(3) *Does this security interest have priority over other interests?* A security interest in a Security Entitlement marked on the books of a Federal Reserve Bank has priority over any other interest in the securities, except a security in favor of the United States, as provided in table (b) of this section.

(4) *In addition to the method provided in paragraph (e)(2) of this section, may a security interest, including a security interest in favor of a Federal Reserve Bank, be perfected in another way?* Yes, a security interest may be perfected by any method under applicable law as described in §357.10(b) or §357.11.

(i) The applicable law governs the perfection, effect of perfection or non-perfection and priority of a security interest.

(ii) A security interest in favor of a Federal Reserve Bank shall be treated as a security interest in favor of a clearing corporation in all respects under that law.

(iii) A Federal Reserve Bank Operating Circular shall be treated as a rule adopted by a clearing corporation for these purposes.

§ 357.13 Obligations of the United States and the Federal Reserve Banks with respect to Book-entry Securities and security interests.

(a) *Who is entitled to deal with an interest in a Book-entry Security that has been credited to a Participant's Security Account?* Except in the case of a security interest in favor of the United States or a Federal Reserve Bank or otherwise as provided in § 357.12 (e), for the purposes of this subpart B, the United States and the Federal Reserve Banks treat the Participant as exclusively entitled to perform the following functions, even if the Treasury or a Federal Reserve Bank has any information or notice to the contrary:

(1) Issue a Transfer Message,

(2) Receive interest and other payments with respect thereof, and

(3) Exercise all the rights and powers with respect to the Security,

(b) *Are the Federal Reserve Banks and Treasury liable for Adverse Claims?* The Federal Reserve Banks and Treasury are not liable to a Person asserting or having an Adverse Claim to a Security Entitlement or to a Book-entry Security in a Participant's Securities Account. This includes any such claim arising as a result of the transfer or disposition of a Book-entry Security by a Federal Reserve Bank, pursuant to a Transfer Message that the Federal Reserve Bank reasonably believes to be genuine.

(c) *When is the obligation of the United States to pay interest and principal with respect to Book-entry Securities discharged?* The obligation is discharged once payment is made as follows:

(1) A Federal Reserve Bank credits the appropriate amount of interest on Book-entry Securities to a Funds Account maintained at the Bank, or pays it as directed by the Participant.

(2) Book-entry Securities are redeemed according to their terms, a Federal Reserve Bank withdraws the securities from the Participant's Securities Account in which they are maintained, and either:

(i) Credits the amount of the Redemption proceeds, including both principal and interest, where applicable, to a Funds Account at the Bank, or

(ii) Pays such principal and interest as directed by the Participant.

(d) *What does a Participant need to do in connection with the Redemption of a Book-entry Security?* No action by the Participant is required.

§ 357.14 What authority does a Federal Reserve Bank have?

(a) Each Federal Reserve Bank has the authority as fiscal agent of the United States to:

(1) Perform functions with respect to the issuance of Book-entry Securities offered and sold by the Department to which this subpart applies, in accordance with the terms of the applicable offering circular and with procedures established by the Department;

(2) Service and maintain Book-entry Securities in accounts established for such purposes;

(3) Make payments of principal and interest, as directed by the Department;

(4) Effect transfer of Book-entry Securities between Participants' Securities Accounts as directed by the Participants; and

(5) Perform such other duties as fiscal agent that the Department may request.

(b) Each Federal Reserve Bank may issue Operating Circulars that are consistent with this part, governing the details of its handling of Book-entry Securities, Security Entitlements, and the operation of the book-entry system under this part.

§ 357.15 How can a debtor's interest in a Security Entitlement be reached by creditors?

(a) The interest of a debtor may be reached by creditors only by legal process upon the Securities Intermediary with whom the debtor's securities account is maintained. Exception: If a Security Entitlement is maintained in the name of a secured party, the debtor's interest may be reached by legal process upon the secured party.

(b) These regulations do not state whether a Federal Reserve Bank is required to honor an order or other notice of attachment in any particular case or class of cases.

§ 357.44 [Removed]

4. Section 357.44 is removed.

Dated: February 6, 2002.

Donald V. Hammond,

Fiscal Assistant Secretary.

[FR Doc. 02–3737 Filed 2–14–02; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–02–010]

Drawbridge Operation Regulations:Saugatuck River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metro North Saga Bridge, mile 1.1, across the Saugatuck River in Connecticut. This temporary deviation will allow the bridge to remain in the closed position from 6 a.m. on February 12, 2002, through 7 p.m. on March 11, 2002. This temporary deviation is necessary to facilitate structural repairs at the bridge.

DATES: This deviation is effective from February 12, 2002, through March 11, 2002.

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

SUPPLEMENTARY INFORMATION: The Metro North Saga Bridge has a vertical clearance in the closed position of 13 feet at mean high water and 20 feet at mean low water. The existing regulations are listed at 33 CFR 117.221.

The bridge owner, Metro North, requested a temporary deviation from the drawbridge operating regulations to facilitate structural maintenance, replacement of the floor beams, at the bridge. The bridge can not be opened during these structural repairs.

The bridge opening records indicate this bridge has not received any requests to open during the requested closure time during the past four years; therefore, no navigational impacts to the marine transit system are expected.

This deviation from the drawbridge operation regulations will allow the bridge to remain in the closed position from 6 a.m. on February 12, 2002, through 7 p.m. on March 11, 2002.

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

Dated: February 7, 2002.

G.N. Naccara,

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

[FR Doc. 02–3694 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[CAO–70–FOA; FRL–7143–2]

Clean Air Act Attainment Finding; Bullhead City and Payson Nonattainment Areas, AZ; Sacramento and San Bernardino Nonattainment Areas, CA; Particulate Matter of 10 Microns or Less (PM–10)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has determined that the Bullhead City and Payson moderate PM–10 nonattainment areas in Arizona and the Sacramento and San Bernardino moderate PM–10 nonattainment areas in California have attained the National Ambient Air Quality Standard (NAAQS) for Particulate Matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10) by the applicable December 31, 2000, attainment date. This determination is based upon monitored air quality data for the PM–10 NAAQS during the years 1998–2000. This determination of attainment does not redesignate the Bullhead City, Payson, Sacramento and San Bernardino areas to attainment for PM–10. The Clean Air Act requires that, for an area to be redesignated, five criteria must be satisfied including the submittal of a maintenance plan as a State Implementation Plan (SIP) revision. This action also corrects the effective date listed for the moderate nonattainment classification for Bullhead City.

EFFECTIVE DATE: This rule is effective on March 18, 2002.

ADDRESSES: Copies of documents relevant to this action are available for public inspection during normal business hours at the Air Planning Office of the Air Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California, 94105–3901.

FOR FURTHER INFORMATION CONTACT: Eleanor Kaplan, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region 9, (415) 947–4147 or *kaplan.eleanor@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'', or ''our'' are used, we mean the Environmental Protection Agency (EPA).

Background

On July 25, 2001 (see 66 FR 38603), EPA published a notice of proposed

rulemaking that announced our proposed finding that the moderate nonattainment areas of Bullhead City and Payson in Arizona and the moderate nonattainment areas of San Bernardino and Sacramento in California have attained the National Ambient Air Quality Standards (NAAQS) for particulate matter of nominal aerodynamic diameters smaller than 10 micrometers (PM–10). The rationale for EPA's finding was explained in the proposal and will not be restated here. In the proposed rule, we also indicated that we were correcting the effective date for our classification of Bullhead City as moderate nonattainment for PM–10 in part 81 of title 40 of the Code of Federal Regulations. The proposed rule provided for a 30-day public comment period which ended on August 24, 2001.

Public Comment and EPA Responses

During the 30-day comment period, we received two comment letters: one from the California Air Resources Board (CARB) dated August 24, 2001, and one from the Sacramento Metropolitan Air Quality Management District (''District'') dated August 21, 2001. These two letters include specific comments that are relevant to this rulemaking. In addition, they contain comments that are not relevant to this particular action but relate instead to the original redesignation of Sacramento County as nonattainment for PM–10. During the 30-day comment period, we received no comments related to the Bullhead City and Payson PM–10 nonattainment areas. Subsequent to the 30-day comment period, however, the Arizona Department of Environmental Quality (ADEQ) notified us of an error in the data table for the Payson area that was included in the proposed attainment finding, and we have addressed that comment in this final action. We have considered all of the comments received and are providing the following responses.

Comment: CARB agrees with EPA's proposed finding that the Sacramento and San Bernardino PM–10 nonattainment areas have attained the standard. The District expresses its support for the proposed finding for Sacramento County.

Response: With this action and consistent with section 188(b)(2) of the Act, EPA is finalizing its attainment findings with respect to all four PM–10 nonattainment areas listed in the proposed rule: The Bullhead City and Payson PM–10 nonattainment areas in Arizona and the Sacramento and San Bernardino PM–10 nonattainment areas in California.

Comment: Both CARB and the District urge EPA to correct the original redesignation of Sacramento County in 1993 as a PM–10 nonattainment area based on the adverse findings of a data audit conducted by CARB in 1996 on the District's PM–10 data that formed the basis for our nonattainment redesignation. CARB asserts that EPA staff concurred with their findings of invalid data, notes that EPA has used its authority under section 110(k)(6) to correct nonattainment designations in other areas based on information not available at the time of the original nonattainment designation, and notes the drain on resources necessary to develop and approve a maintenance plan. Lastly, both CARB and the District note that EPA has not formally responded to CARB's 1996 letter requesting this corrective action.

Response: These comments are not relevant to this rulemaking because they do not raise questions concerning the validity of the PM–10 data (from the 1998–2000 period) that provided us with the basis for our proposed attainment finding. With respect to CARB's request for a correction of our PM–10 nonattainment redesignation of Sacramento County, we note that we recently provided CARB with a written response indicating that such a corrective action by EPA will not be forthcoming. In that written response, we provide responses to the additional comments that CARB and the District raise on the redesignation issue in their comment letters on the proposed attainment finding. EPA is aware of the competing demands on a State's resources particularly when it is in nonattainment status for more than one criteria pollutant, and we remain committed to working cooperatively with CARB and the District in resolving these planning issues.

Comment: The District states: ''* * * there may be a typo in the data table, Summary of PM–10 Air Quality Sacramento County 1998–2000, on page 38607 of the **Federal Register**. The highest 24-hour PM–10 concentration for the Sacramento-Branch Center monitoring site in 1998 is incorrectly listed as 86 μg/m^3, while it is correctly recorded as 81 μg/m^3 in the EPA AIRS database and District records.''

Response: EPA has reviewed the referenced data in the AIRS database and concurs with the District that the proposal for this notice contained a typographical error in citing the 1998 data for the Sacramento Branch Center monitoring site. The corrected table for Sacramento reads as follows:

SUMMARY OF PM–10 AIR QUALITY SACRAMENTO COUNTY 1998–2000

Site	Highest 24 hour concentration (μg/m^3)			Annual average (μg/m^3)			3-year annual average (μg/m^3)
	1998	1999	2000	1998	1999	2000	
North Highlands	73	73	82	22	26	23	24
Del Paso	104	141	58	22	27	21	23
Sacramento—Health Center	79	88	86	23	25	31	26
Sacramento—Branch Center Rd	81	86	56	27	33	27	29
Sacramento—T Street	75	99	64	23	29	25	26

Comment: ADEQ requested a correction of the number given for the 1999 maximum 24-hour PM–10 concentration in Payson contained in the proposal to 56 μg/m^3 instead of the number that was given.

Response: EPA has reviewed the referenced data and concurs with ADEQ that the proposal for this notice contained an error in citing the 1999 data for the Payson monitoring site. The corrected table for Payson reads as follows:

SUMMARY OF 24 HOUR AND ANNUAL PM–10 CONCENTRATIONS (μG/M³) PAYSON 1998–2000

	Year		
	1998 *	1999	2000
Maximum 24 Hour Concentration	69	56	88
Annual Average	24	29	24
3-Year Annual Average		26	

EPA's Final Action

After consideration of the relevant comments received, we have decided to finalize our determination under section 188(b)(2) of the Act that the Bullhead City, Payson, Sacramento and San Bernardino nonattainment areas have attained the PM–10 NAAQS by the applicable attainment date. This finding should not be confused with a redesignation to attainment under section 107(d) of the Act. The designation status in 40 CFR part 81 will remain moderate nonattainment for these four PM–10 nonattainment areas until such time as EPA finds that these areas have met the requirements under the Act for redesignation to attainment.

In the proposal for this action EPA stated that the current Code of Federal Regulations (CFR), Part 81.303, gives an incorrect date, namely January 20, 1990, for the classification of Bullhead City as a ''moderate'' PM–10 nonattainment area. In this action, EPA is correcting the current Code of Federal Regulations (CFR), 40 CFR 81.303, so that the date of Bullhead City's nonattainment classification as moderate appears as January 20, 1994.

EPA is correcting the table contained in the proposal for this action titled ''Summary of PM–10 Air Quality Sacramento County 1998–2000'' to show that the highest 24-hour PM–10 concentration for the Sacramento-Branch Center Road monitoring site in 1998 is listed as 81 μg/m³.

EPA is correcting the table contained in the proposal for this action titled ''Summary of 24 hour and Annual PM–10 Concentrations (μg/m³) Payson 1998–2000'' to show that the 1999 maximum 24 hour PM–10 concentration in Payson is listed as 56 μg/m³.

Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 32111, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely makes a determination based on air quality data and does not impose any requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely makes a determination based on air quality data and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, *5 U.S.C. section* 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by *5 U.S.C. section 804*(2). This rule will be effective March 18, 2002.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 16, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2))

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 28, 2002.

Laura Yoshii,

Deputy Regional Administrator, Region 9.

Part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671, *et seq.*

Subpart D—Arizona

2. In § 81.303, the table for Arizona–PM–10 is amended by revising the entry for Mohave County (part) to read as follows:

§ 81.303 Arizona.

* * * * *

ARIZONA–PM–10

Designation area	Designation		Classification	
	Date	Type	Date	Type
* * *	*	*	*	*
Mohave County (part):				
Bullhead City: T21N, R20–21W, excluding Lake Mead National Recreation Area: T20N, R20–22W; T19N, R21–22W excluding Fort Mohave Indian Reservation.	1/20/94	Nonattainment	1/20/94	Moderate.

* * * * *

[FR Doc. 02–3769 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301213; FRL–6821–7]

RIN 2070–AB78

Diflubenzuron; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for combined residues of diflubenzuron and its metabolites 4-chloroaniline and 4-chlorophenylurea in or on pear. IR-4 requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: This regulation is effective February 15, 2002. Objections and requests for hearings, identified by docket control number OPP–301213, must be received by EPA on or before April 16, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301213 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–3194; and e-mail address: brothers.shaja@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/.* To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm. A frequently updated electronic version of 40 CFR part 180 is available at *http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html,* a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301213. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of December 14, 2001 (66 FR 64823) (FRL–6813–2), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a as

amended by the FQPA of 1996 (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by the Interregional Research Project Number 4 (IR-4), 681 U.S. Highway #1 South, North Brunswick, NJ 08902. This notice included a summary of the petition prepared by Uniroyal Chemical Company, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.377 be amended by establishing a tolerance for combined residues of the insecticide diflubenzuron, N-[[(4-chlorophenyl)amino carbonyl]-2,6-difluorobenzamide] and its metabolites 4-chloroaniline (PCA) and 4-chlorophenylurea (CPU), in or on pear at 0.50 part per million (ppm).

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

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

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for combined residues of diflubenzuron, N-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide and its metabolites PCA and CPU on pear at 0.50 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by diflubenzuron and its metabolites, CPU and PCA have been fully described in the Reregistration Eligibility Decision (RED) document (EPA 738–R–97–008, August 1997).

B. Toxicological Endpoints

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

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

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

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

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

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute dietary (general population including infants and children)	Not applicable	Not applicable	No appropriate endpoint attributable to a single exposure was identified in oral studies. Therefore, a risk assessment is unnecessary.

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

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Chronic dietary (all populations)	NOAEL = 2 milligrams/kilograms/day (mg/kg/day) UF = 100 Chronic RfD = 0.02 mg/kg/day	FQPA SF =1X cPAD = chronic RfD FQPA SF = 0.02 mg/kg/day	Chronic toxicity study-dog LOAEL = 10 mg/kg/day based on methemoglobinemia and sulfhemoglobinemia
Short, intermediate, and long-term dermal (1 to 30 days) (Residential)	Not applicable	Not applicable	These endpoints were not evaluated. There are no registered uses of diflubenzuron which result in significant residential exposure.
Short, intermediate, and long-term dermal (1-6 months) (Residential)	Not applicable	Not applicable	These endpoints were not evaluated. There are no registered uses of diflubenzuron which result in significant residential exposure.
Short, intermediate, and long-term incidental oral (1–6 months) (Residential)	Not applicable	Not applicable	These endpoints were not evaluated. There are no registered uses of diflubenzuron which result in significant residential exposure.
Cancer (oral, dermal, inhalation)	Diflubenzuron ''Group E'' evidence of non-carcinogenicity for humans	Not aplicable	Acceptable oral rat and mouse carcinogenicity studies; no evidence of carcinogenic or mutagenic potential.
Cancer (oral, dermal, inhalation)	PCA ''Group B2'' probably human carcinogen Q_1^* 1.12×10^{-1} (mg/kg/day)	1×10^{-6}	PCA tested positive for splenic tumors in male rats and and heptocellular adenomas/carcinomas in male mice in a National Toxicology Program (NTP) study.
Cancer (oral, dermal, inhalation)	CPU Q_1^* based on monuron a structural analog and the Q_1^* 1.52×10^{-2}	1×10^{-6}	CPU is structurally related to monuron (N,N-dimethyl-CPU), a compound producing tumors of kidney and liver in male rats.

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

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.377) for the combined residues of diflubenzuron. Permanent tolerances are established for residues of the insecticide diflubenzuron in or on the following raw agricultural commodities (RACs): Artichoke at 6.0 ppm; cottonseed at 0.2 ppm; grapefruit at 0.5 ppm; mushroom at 0.2 ppm; orange at 0.5 ppm; rice grain at 0.02 ppm; soybean at 0.05 ppm; tangerine at 0.5 ppm; walnuts at 0.1 ppm; fat, mbyp, and meat of cattle, goats, hogs, horses, sheep at 0.05 ppm; milk at 0.05 ppm; poultry fat, mbyp, meat at 0.05 ppm; and eggs at 0.05 ppm 40 CFR 180.377(a)(1). There are also tolerances with regional registration established in or on pasture grass at 1 ppm and range grass at 3 ppm 180.377(c). Risk assessments were conducted by EPA to assess dietary exposures from diflubenzuron in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. No acute endpoints were identified for diflubenzuron; therefore, an acute dietary exposure analysis was not performed.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment, the Dietary Exposure Evaluation Model (DEEM™) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: For the chronic analysis, anticipated residue information based on field trial data, and percent of crop treated (%CT) information for some commodities were used (Tier 3). A value of 1% was used for %CT values <1%. CPU is the major degradate found in water and mushrooms and is a significant metabolite in milk. EPA has concluded that the residues of concern are diflubenzuron and metabolites PCA and CPU.

iii. *Cancer.* Based on the submitted metabolism studies, there are two possible sources for dietary exposure to PCA and CPU: residues in mushrooms and residues in milk and liver. EPA used the results from metabolism studies to determine the percent of total radioactive residue present as PCA + CPU in mushrooms, milk and liver. For milk and liver, anticipated residues were calculated from the results of the ruminant feeding study using tolerance level residues in animal feed items and adjusting for percent of crop treated. The total levels of PCA + CPU were estimated by multiplying the ratio of (PCA + CPU)/diflubenzuron by the diflubenzuron consumption from DEEM.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a Data Call-In for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used maximum PCT information as follows:

Artichoke 100%, cotton 2%, grapefruit 8%, mushroom 31%, oranges 2%, pears 100%, rice 100%, soybeans 1%, tangerines 4%, walnuts 5%.

The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimated. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which diflubenzuron may be applied in a particular area.

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

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

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

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

EPA has determined that PCA is only a minor metabolite of diflubenzuron in the environment. Drinking water will thus not be considered in the risk assessment for PCA.

Ground water. Based on the SCI-GROW model, EECs of diflubenzuron in shallow ground water sources are not expected to exceed 0.0023 parts per billion (ppb). Estimated concentrations of CPU in shallow ground water sources are not expected to exceed 0.065 ppb. These concentrations can be considered as both the acute and chronic values.

Surface water. Based on Tier II PRZM-EXAM modeling using the index reservoir (IR) scenario and the PC area adjustment factor, the 36–year average annual mean concentration of diflubenzuron in surface water sources is not expected to exceed 0.09 ppb. EECs of CPU in surface water sources are not expected to exceed 0.23 ppb.

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

Diflubenzuron is currently registered for use on the following residential non-dietary sites: Outdoor residential and recreational areas. Although there are no registered homeowner uses, there is potential for professional applications to outdoor residential and recreational areas to control mosquitos, moths, and other insects. However, the potential for post-application residential exposures are expected to be limited. Due to the low dermal absorption rate (0.5%) of diflubenzuron, and since it is only applied to the tree canopy, minimal bystander contact is expected. Therefore, residential post-application exposure was not quanitiatively evaluated.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether diflubenzuron has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, diflubenzuron does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that diflubenzuron has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances November 26, 1997 (62 FR 62961) (FRL–5754–7).

D. Safety Factor for Infants and Children

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

ii. *Prenatal and postnatal sensitivity.* There is no indication of quantitative or qualitative increased susceptibility of rats or rats to *in utero* or postnatal exposure.

iii. *Conclusion.* There is a complete toxicity data base for diflubenzuron and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be reduced to 1X. The FQPA 10X safety factor is removed because: (1) There is no indication of quantitative or qualitative increased susceptibility of rats or rats to *in utero* or postnatal exposure; (2) a developmental neurotoxicity study (DNT) with diflubenzuron is not required; (3) food and drinking water exposure assessments will not underestimate the potential exposure for infants and children; and (4) there are currently no registered or proposed residential (non-occupational) uses of diflubenzuron.

E. Aggregate Risks and Determination of Safety

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

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

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

1. *Acute risk.* An acute risk assessment was not performed because an acute dietary endpoint was not identified and therefore, diflubenzuron is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to diflubenzuron from food will utilize <1% of the cPAD for the U.S. population, 5% of the cPAD for all infants (<1 year old and <1% of the cPAD for children (1-6 years old). Based the use pattern, chronic residential exposure to residues of diflubenzuron is not expected. In addition, there is potential for chronic dietary exposure to diflubenzuron in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 2:

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

Population Subgroup	cPAD mg/kg/day	%cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.02	<1	0.09	0.0023	700
All infants (<1 year old)	0.02	5	0.09	0.0023	190
Children (1–6 years old)	0.02	<1	0.09	0.0023	200

3. *Short-term and intermediate-term risk*. Short-term and intermediate-term risk assessments were not performed since an acute dietary endpoint was not identified and there are no registered or proposed non-food uses resulting in significant residential exposure.

4. *Aggregate cancer risk for U.S. population*. Cancer aggregate risk assessments were not performed for diflubenzuron and PCA. Diflubenzuron is not a carcinogen and PCA is not a significant metabolite in drinking water. The potential cancer risk from dietary (food only), exposure to residues of PCA is 4.7×10^{-7}, which is negligible. The results of the cancer analysis for CPU indicate that the estimated cancer dietary (food only) risk from CPU 3.8×10^{-8} associated with the proposed use of diflubenzuron is below the Agency's level of concern. In addition, there is potential for chronic dietary exposure to CPU in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate cancer risk to exceed EPA's level of concern, as shown in the following Table 3:

TABLE 3.—AGGREGATE CANCER RISK ASSESSMENT FOR EXPOSURE TO CPU

Population	Residential Exposure	Aggregate Cancer Risk (food and residential)	Ground water EEC (ppb)	Surface Water EEC (ppb)	Cancer DWLOC (ppb)
U.S. population	0	3.8×10^{-8}	0.065	0.23	2.2

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate methods are available for the analysis of diflubenzuron in pears. Three enforcement methods for diflubenzuron are published in the Pesticide Analytical Method Volume II (PAM II) as Methods I, II, and III. Method II is a GC/ECD method that can separately determine residues of diflubenzuron, CPU, and PCA in eggs, milk, and livestock tissues. All three methods have undergone a successful petition method validation and are acceptable for enforcement purposes.

B. International Residue Limits

The Codex Alimentarius has established a maximum residue limit, expressed in terms of diflubenzuron. Therefore, as the U.S. residue definition includes CPU and PCA, compatibility is not possible with the tolerance for pear.

C. Conditions

EPA recommends that an unconditional registration of dimilin may be considered upon submission of a successful Agency petition method validation of analytical enforcement methods for PCA (4-chloroaniline) and CPU (4-chlorophenylurea) in crops. However, the agency concludes there are no residue chemistry or toxicology data requirements that would preclude the establishment of a conditional registration and permanant tolerance for the combined residues of diflubenzuron, N-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide and its metabolites 4-chloroaniline and 4-chlorophenylurea in/on pears at 0.05 ppm.

V. Conclusion

Therefore, the tolerance is established for combined residues of diflubenzuron, N-[[(4-chlorophenyl)amino carbonyl]-2,6-difluorobenzamide] and its metabolites 4-chloroaniline and 4-chlorophenylurea, in or on pears at 0.50 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301213 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before April 16, 2002.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions

on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

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

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

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

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

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301213, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of

regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

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

Dated: February 1, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

§ 180.377 Diflubenzuron; tolerances for residues.

2. Section 180.377 is amended by revising paragraph (a)(2) to read as follows:

(a) * * *

(2) Tolerances are established for combined residues of the insecticide diflubenzuron and its metabolites 4-chlorophenlyurea and 4-chloroaniline in or on the following food commodities:

Commodity	Parts per million
Pear	0.50
Rice, grain	0.02
Rice, straw	0.8

* * * * *

[FR Doc. 02–3773 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

Proposed Rules

Federal Register
Vol. 67, No. 32
Friday, February 15, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 26

Fitness-for-Duty Programs

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Availability of Draft Outline and Rule Wording.

SUMMARY: The Nuclear Regulatory Commission (NRC) is making available draft wording of a possible amendment of its regulations. The proposal would amend Title 10 Code of Federal Regulations (10 CFR) part 26, ''Fitness-for-Duty Programs.'' The general objective of this program continues to be to provide reasonable assurance that nuclear power plant and nuclear fuel facility personnel are reliable, trustworthy, and not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, that in any way may adversely affect their ability to safely and competently perform their duties. The changes should reduce the regulatory burden for licensees and improve the effectiveness of 10 CFR part 26. The availability of draft wording is intended to inform stakeholders of the current status of the NRC staff's rulemaking development activities and to provide stakeholders the opportunity to comment on the draft changes.

DATES: Comments on the draft rule outline and on individual sections should be submitted within 45 days from the applicable date shown on the draft rule development schedule included with the draft rule outline. Any comments received after this date may not be considered during the drafting of the proposed rule.

ADDRESSES: Submit written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Mail Stop O16–C1 or deliver written comments to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

The NRC has now developed a draft rule outline and wording for sections of Part 26 and has made them available on the NRC's rulemaking Web site at *http://ruleforum.llnl.gov.* You may also provide comments via the NRC's interactive rulemaking Web site through the NRC's home page at *http://ruleforum.llnl.gov.* This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher at (301) 415–5905 or by e-mail to *cag@nrc.gov.* Copies of any comments received and certain documents related to this rulemaking may be examined at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or there are problems in accessing the documents located in ADAMS, contact the NRC PDR reference staff at 1–800–397–4209, (301) 415–4737or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Garmon West, Reactor Safeguards Policy Section, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; Telephone: (301) 415–1044; Internet: *fitnessforduty@nrc.gov.*

SUPPLEMENTARY INFORMATION: This draft rule language is preliminary and may be incomplete in one or more respects. This draft rule language is being released to inform stakeholders of the current status of the NRC staff's 10 CFR part 26 rulemaking and to provide an opportunity for stakeholders to submit comments for the staff's consideration in development of a possible proposed rule. As appropriate, the Statements of Consideration for the proposed rule will briefly discuss substantive changes made to the rule language as result of comments received. If appropriate, based on the particular schedule and other circumstances unique to the rule, the NRC may periodically update the Web site content with significant changes as the proposed rule language evolves. Previous versions of the rule language may not be maintained on the Web site.

Dated at Rockville, Maryland, this 11th day of February, 2002.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Director, Division of Inspection Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3679 Filed 2–14–02; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–417–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Falcon 2000 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 Dassault Model Falcon 2000 series airplanes, and certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes. That AD currently requires repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews with new or reconditioned jackscrews; and repetitive measurement of the screw/nut play of the outboard and center flap jackscrews to detect discrepancies, and corrective action, if necessary. This action would remove Model 900EX and Mystere Falcon 900 series airplanes from the applicability of the AD. For the Model Falcon 2000 series airplanes, this action would also add certain repetitive measurements, delete certain repetitive measurements, and extend the interval for repetitive replacement of certain jackscrews. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The

actions proposed by this AD are intended to prevent jamming of the flap jackscrews during the approach to landing, which could result in inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane.

DATES: Comments must be received by March 18, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–417–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–417–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 Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–417—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 Number 2000–NM–417–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On June 29, 1999, the FAA issued AD 99–14–07, amendment 39–11218 (64 FR 36561, July 7, 1999), applicable to all Dassault Model Falcon 2000 series airplanes and to certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes, to require repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews with new jackscrews; and repetitive measurement of the screw/nut play of the outboard and center flap jackscrews to detect discrepancies, and corrective action, if necessary. That action was prompted by information received from the Direction Géenérale de l'Aviation Civile (DGAC), the airworthiness authority for France, that several operators of these airplanes had reported jamming of the inboard flap jackscrew during extension of the flaps while the airplanes were in the approach-to-landing phase of the flight. The requirements of that AD are intended to prevent jamming of the flap jackscrews, which could result in the inability to move the flaps or in an asymmetric flap condition, and consequent reduced controllability of the airplane.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, Dassault has received another report of an incident of jamming of flap jackscrews, which resulted in flap asymmetry during the approach to landing. The incident occurred on a Model Falcon 2000 airplane with only 921 flight cycles, which is less than the replacement interval (of 1,000 flight cycles) for inboard jackscrews that is specified in AD 99–14–07. The flap asymmetry damaged the junction between the two affected flaps and required replacement of the jackscrews on the left-hand and the right-hand inboard flaps. This additional incident has caused the DGAC to issue revised French airworthiness directive 1999–038–008(B) R1, dated September 20, 2000.

The revised French airworthiness directive retains the requirements for repetitive operational tests of the flap asymmetry detection system, and repair, as necessary; repetitive measurement of the screw/nut play of the outboard flap jackscrews, and corrective action, as necessary; and repetitive replacement of the inboard flap inboard jackscrews.

The revised French airworthiness directive also adds a requirement for repetitive measurement of the screw/nut play of the inboard flap jackscrews, deletes the prior requirement for repetitive measurement of the screw/nut play of the center flap jackscrews, and increases the interval for repetitive replacement of the inboard flap outboard jackscrews.

Finally, the revised French airworthiness directive limits the jackscrews subject to these requirements to those having certain part numbers.

Related Rulemaking

The FAA intends to issue a separate Notice of Proposed Rulemaking (NPRM) applicable to certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes. That NPRM proposes requirements which are similar to but not identical with the requirements for Dassault Model Falcon 2000 series airplanes, which are proposed in this NPRM. The issuance of separate NPRMs will help to clarify the requirements for the different models.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral

airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 99–14–07 to continue to require the following:

- Repetitive operational tests to verify proper functioning of the flap asymmetry detection system, and repair, if necessary;
- Repetitive measurement of the screw/nut play of the outboard flap jackscrews to detect discrepancies, and corrective action, if necessary;
- Repetitive replacement of the inboard flap inboard jackscrews.

The proposed AD would add a requirement for repetitive measurement of the screw/nut play of the inboard flap jackscrews, delete the requirement for repetitive measurement of the screw/nut play of the center flap jackscrews, and increase the interval for repetitive replacement of the inboard flap outboard jackscrews. The proposed AD would also limit the jackscrews subject to these requirements to those having certain part numbers.

Difference Between the Foreign Airworthiness Directive and the Proposed AD

The French airworthiness directive establishes a three-tiered schedule for measurement of nut/screw play of each inboard flap outboard jackscrew, whereas this AD proposes a simpler two-tiered schedule. Both documents specify that the first measurement of nut/screw play is to be made prior to the accumulation of 750 total flight cycles on the inboard flap outboard jackscrew or within 25 flight cycles after the effective date of the AD, whichever occurs later. The French airworthiness directive requires that the second measurement be made prior to the accumulation of 1,000 flight cycles and that subsequent repetitive measurements be made at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. This AD, however, proposes that the second measurement and subsequent repetitive measurements be done at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Interim Action

This proposal is considered to be interim action. The manufacturer has advised that it is currently developing a modification that will positively address the unsafe condition which is the subject of this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Cost Impact

There are approximately 45 airplanes of U.S. registry that would be affected by this proposed AD.

The costs of performing actions required by AD 99–14–07 and retained in this proposed AD for the Falcon 2000 series airplanes are described below.

The repetitive operational test of the flap asymmetry detection system takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the repetitive operational test on U.S. operators is estimated to be $2,700, or $60 per airplane, per test cycle.

The measurement of the screw/nut play in the flap jackscrews takes approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the measurement on U.S. operators is $21,600, or $480 per airplane, per measurement cycle.

The repetitive replacement of jackscrews takes approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. New jackscrews cost approximately $21,200 per airplane. However, the proposed rule permits a one-time reconditioning and re-use of jackscrews, which could reduce the cost of parts by 50%. Based on these figures, the cost of the replacement of jackscrews on U.S. operators is between $498,600 and $975,600, or between $11,080 and $21,680 per airplane, per replacement cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 39–11218 (64 FR 36561, July 7, 1999), and by adding a new airworthiness directive (AD), to read as follows:

Dassault Aviation [Formerly Avions Marcel Dassault-Breguet Aviation (AMD/BA)]: Docket 2000–NM–417–AD. Supersedes AD 99–14–07, Amendment 39–11218.

Applicability: All Model Falcon 2000 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 (i)(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 jamming of the flap jackscrews during the approach to landing, which could result in the inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Operational Test

(a) Within 5 flight cycles after August 11, 1999 (the effective date of AD 99–14–07, amendment 39–11218): Perform an operational test of the flap asymmetry detection system to ensure that the system is functioning correctly, in accordance with the procedures specified in Dassault F2000 Airplane Maintenance Manual (AMM) 27–502, dated November 1995. Prior to further flight, repair any discrepancy detected, in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent). Repeat the operational test thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Repetitive Replacement

(b) Prior to the accumulation of 1,000 total flight cycles on the inboard jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after August 11, 1999, whichever occurs later: Replace each jackscrew having part number (P/N) 5318–1 which is located on the inboard flap in the inboard position, in accordance with Dassault F2000 AMM 27–510, dated November 1995; the replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (c) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 thereafter at intervals not to exceed 1,000 flight cycles on the jackscrew located on the inboard flap in the inboard position.

(c) A jackscrew having P/N 5318–1 and located on the inboard flap in the inboard position may be replaced by a reconditioned jackscrew having P/N 5318–1, provided that all of the conditions specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD are met:

(1) The jackscrew has been reconditioned, in accordance with Dassault Service Bulletin AVIAC 5318–27–01.

(2) The jackscrew was located on the inboard flap in the inboard position prior to being reconditioned.

(3) The jackscrew has been reconditioned only one time.

(d) Prior to the accumulation of 2,200 total flight cycles on the middle jackscrew located on the inboard flap in the outboard position, or within 25 flight cycles after August 11, 1999, whichever occurs later: Replace each jackscrew having P/N 5318–1 on the inboard flap in the outboard position, in accordance with Dassault F2000 AMM 27–510, dated November 1995; the replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (e) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 thereafter at intervals not to exceed 2,200 flight cycles on the jackscrew of the inboard flap in the outboard position.

(e) A jackscrew having part number 5318–1 and located on the inboard flap in the outboard position may be replaced by a reconditioned jackscrew having P/N 5318–1, provided that all of the conditions specified in paragraphs (e)(1), (e)(2), and (e)(3) of this AD are met:

(1) The jackscrew has been reconditioned, in accordance with Dassault Service Bulletin AVIAC 5318–27–01.

(2) The jackscrew was located on the inboard flap in the outboard position prior to being reconditioned.

(3) The jackscrew has been reconditioned only one time.

Repetitive Measurements

(f) Prior to the accumulation of 1,000 total flight cycles on the outboard jackscrews located on the outboard flaps, or within 25 flight cycles after August 11, 1999, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 1–5319–1 (on the left-wing) and 2–5319–1 (on the right-wing) on the outboard flaps, in accordance with the procedures specified in Dassault F2000 AMM Temporary Revision (TR) 27–504, dated October 1998.

Note 2: Jackscrews having P/N 1–5319–1 or 2–5319–1 may be reconditioned in accordance with Dassault Aviation Service Bulletin AVIAC 5319–27–01. These jackscrews may be reconditioned and reused more than one time.

(1) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurement thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. If any repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (f)(2) of this AD.

(2) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (f)(2)(i) and (f)(2)(ii) of this AD.

(i) Prior to further flight, replace the jackscrew with a new or reconditioned jackscrew, in accordance with Dassault F2000 AMM 27–510, dated November 1995.

(ii) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew, perform a follow-on measurement of the screw/nut play in accordance with the procedures specified in Dassault F2000 AMM Temporary Revision (TR) 27–504, dated October 1998.

(iii) If any follow-on measurement required by paragraph (f)(2)(ii) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (f)(1) of this AD. If any follow-on measurement required by paragraph (f)(2)(ii) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (f)(2)(i) and (f)(2)(ii) of this AD.

(g) Prior to the accumulation of 750 total flight cycles on the jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1, which is located on the inboard flap in the inboard position to detect discrepancies, in accordance with the procedures specified in Dassault F2000 AMM TR 27–504, dated October 1998. If the measurement is greater than 0.014 inch, prior to further flight, replace the discrepant jackscrew with a new or reconditioned jackscrew, in accordance with Dassault F2000 AMM 27–510, dated November 1995.

(h) Prior to the accumulation of 1,000 total flight cycles on the jackscrew located on the inboard flap in the outboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1, which is located on the inboard flap in the outboard position, in accordance with the procedures specified in Dassault F2000 AMM TR 27–504, dated October 1998.

(1) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurements thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. If repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (h)(2) of this AD.

(2) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) Prior to further flight, replace the jackscrew with a new or reconditioned jackscrew, in accordance with F2000 AMM 27–510, dated November 1995.

(ii) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew, perform a follow-on measurement of the screw/nut play in accordance with the procedures specified in Dassault F2000 AMM Temporary Revision (TR) 27–504, dated October 1998.

(iii) If any follow-on measurement required by paragraph (h)(2)(ii) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (h)(1) of this AD. If any follow-on measurement required by paragraph (h)(2)(ii) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (h)(2)(i) and (h)(2)(ii) of of this AD.

Alternative Methods of Compliance

(i)(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, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

(2) Alternative methods of compliance, approved previously in accordance with AD 99–14–07, amendment 39–11218, are not considered to be approved as alternative methods of compliance with this AD.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in French airworthiness directive 1999–038–008(B) R1, dated September 20, 2000.

Issued in Renton, Washington, on February 6, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–3584 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–418–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Falcon 900EX and Mystere Falcon 900 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD), applicable to certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes. This action would require repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews on the inboard with new or reconditioned jackscrews; and repetitive measurement of the screw/nut play of the jackscrews on the inboard and outboard flaps to detect discrepancies, and corrective action, if necessary. This action would also require revision of the Airplane Flight Manual. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions proposed by this AD are intended to prevent jamming of the flap jackscrews during the approach to landing, which could result in inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane.

DATES: Comments must be received by March 18, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–418–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. 2000–NM–418–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 Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–418–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 Number 2000–NM–418–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On June 29, 1999, the FAA issued AD 99–14–07, amendment 39–11218 (64 FR 36561, July 7, 1999), applicable to all Dassault Model Falcon 2000 series airplanes and to certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes, to require repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews with new jackscrews; and repetitive measurement of the screw/nut play of the outboard and center flap jackscrews to detect discrepancies, and corrective action, if necessary. That action was prompted by information received from the Direction Générale de l'Aviation Civile (DGAC), the airworthiness authority for France, that several operators of these airplanes had reported jamming of the inboard flap jackscrew during extension of the flaps while the airplanes were in the approach-to-landing phase of the flight.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, Dassault has received another report of an incident of jamming of flap jackscrews, which resulted in flap asymmetry during the approach to landing. The incident occurred on a Model Falcon 2000 airplane with only 921 flight cycles, which is less than the replacement interval (of 1,000 flight cycles) for inboard jackscrews that is specified in AD 99–14–07. The flap asymmetry damaged the junction

between the two affected flaps and required replacement of the jackscrews on the left-hand and the right-hand inboard flaps.

Since the Dassault Model Falcon 2000 series airplanes and the Model Falcon 900EX and Mystere Falcon 900 series airplanes use the same jackscrews, the additional incident of jamming of the flap jackscrews caused the DGAC to issue two revised French airworthiness directives, both dated September 20, 2000. One (1999–038–008(B) R1) pertains to Dassault Model Falcon 2000 series airplanes, the other (1999–082–024(B) R2) to Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes.

The revised French airworthiness directive retains the requirements for repetitive operational tests of the flap asymmetry detection system, and repair, as necessary; repetitive measurement of the screw/nut play of the outboard flap jackscrews, and corrective action, as necessary; and repetitive replacement of the inboard flap inboard jackscrews.

The revised French airworthiness directive also adds a requirement for repetitive measurement of the screw/nut play of the inboard flap jackscrews, deletes the prior requirement for repetitive measurement of the screw/nut play of the center flap jackscrews, and increases the interval for repetitive replacement of the inboard flap outboard jackscrews.

The revised French airworthiness directive limits the jackscrews subject to these requirements to those having certain part numbers. Finally, it adds a requirement to revise the Airplane Flight Manual (AFM) to prohibit changing the flap position control handle in the event of a discrepancy between the control position and flap position indicator, and to require applying a particular flight manual abnormal procedure for approach speed and landing distance.

Related Rulemaking

The FAA intends to issue a separate Notice of Proposed Rulemaking (NPRM), which supersedes AD 99–14–07 and proposes requirements for the Dassault Model Falcon 2000 series airplanes which are similar to but not identical with the requirements for the Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes, which are proposed in this NPRM. The issuance of separate NPRMs will help to clarify the requirements for the different models.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would continue to require the following actions, which are currently required by AD 99–14–07 for certain Model Falcon 900EX and Mystere Falcon 900 series airplanes:

- Repetitive operational tests to verify proper functioning of the flap asymmetry detection system, and repair, if necessary;
- Repetitive measurement of the screw/nut play of the outboard flap jackscrews to detect discrepancies, and corrective action, if necessary;
- Repetitive replacement of the inboard flap inboard jackscrews.

The proposed AD would add a requirement for repetitive measurement of the screw/nut play of the inboard flap jackscrews, delete the requirement for repetitive measurement of the screw/nut play of the center flap jackscrews, and increase the interval for repetitive replacement of the inboard flap outboard jackscrews. The proposed AD would limit the jackscrews subject to these requirements to those having certain part numbers. The proposed AD also would add a requirement to revise the AFM.

Difference Between the Foreign Airworthiness Directive and the Proposed AD

The French airworthiness directive establishes a three-tiered schedule for measurement of nut/screw play of each inboard flap outboard jackscrew, whereas this AD proposes a simpler two-tiered schedule. Both documents specify that the first measurement of nut/screw play is to be made prior to the accumulation of 600 total flight cycles on the inboard flap outboard jackscrew or within 25 flight cycles after the effective date of the AD, whichever occurs later. The French airworthiness directive requires that the second measurement be made prior to the accumulation of 1,000 flight cycles and that subsequent repetitive measurements be made at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. This AD, however, proposes that the second measurement and subsequent repetitive measurements be done at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Interim Action

This proposal is considered to be interim action. The manufacturer has advised that it is currently developing a modification that will positively address the unsafe condition which is the subject of this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Cost Impact

There are approximately 28 airplanes of U.S. registry that would be affected by this proposed AD.

The costs of performing actions required by AD 99–14–07 and retained in this proposed AD for the Model Falcon 900EX and Mystere Falcon 900 series airplanes are described below.

The repetitive operational test of the flap asymmetry detection system takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the repetitive operational test on U.S. operators is estimated to be $1,680, or $60 per airplane, per test cycle.

The measurement of the screw/nut play in the flap jackscrews takes approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the measurement on U.S. operators is $13,440, or $480 per airplane, per measurement cycle.

The repetitive replacement of jackscrews takes approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. New jackscrews cost approximately $21,200 per airplane. However, the proposed rule permits a one-time reconditioning and re-use of jackscrews, which could reduce the cost of parts by 50%. Based on these figures, the cost of the replacement of jackscrews on U.S. operators is between $310,240 and $607,040, or between $11,080 and $21,680 per airplane, per replacement cycle.

The revision of the AFM would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these

figures, the cost impact of the AFM revision on U.S. operators is $1,680, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 adding the following new airworthiness directive:

Dassault Aviation [Formerly Avions Marcel Dassault-Breguet Aviation (AMD/BA)]: Docket 2000–NM–418–AD.

Applicability: Model Falcon 900EX, serial numbers 04 and up, and Mystere Falcon 900 series airplanes, serial numbers 161 and up; 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 (j)(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 jamming of the flap jackscrews during the approach to landing, which could result in the inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Operational Test

(a) Within 5 flight cycles after August 11, 1999 (the effective date of AD 99–14–07, amendment 39–11218): Perform an operational test of the flap asymmetry detection system to ensure that the system is functioning correctly, in accordance with the procedures specified in Falcon 900 Airplane Maintenance Manual (AMM) 27–502, dated January 1995, or Falcon 900EX AMM 27–502, dated September 1996, as applicable. Prior to further flight, repair any discrepancy detected, in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent). Repeat the operational test thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Repetitive Replacement

(b) Replace each jackscrew having part number (P/N) 5318–1 which is located on the inboard flap in the inboard position, in accordance with the procedures specified in Falcon 900 AMM 27–521, dated December 1998, or Falcon 900EX AMM 27–510, dated September 1996, as applicable; the replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (c) of this AD. Do the initial replacement at the earlier of the times specified in paragraphs (b)(1) and (b)(2) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 thereafter at intervals not to exceed 750 flight cycles on the jackscrew located on the inboard flap in the inboard position.

(1) Prior to the accumulation of 1,000 total flight cycles on the inboard jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after August 11, 1999, whichever occurs later.

(2) Prior to the accumulation of 750 total flight cycles on the inboard jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later.

(c) A jackscrew having P/N 5318–1 and located on the inboard flap in the inboard position may be replaced by a reconditioned jackscrew having P/N 5318–1, provided that all of the conditions specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD are met.

(1) The jackscrew has been reconditioned, in accordance with Dassault Service Bulletin AVIAC 5318–27–01.

(2) The jackscrew was located on the inboard flap in the inboard position prior to being reconditioned.

(3) The jackscrew has been reconditioned only one time.

(d) Prior to the accumulation of 2,200 total flight cycles on the middle jackscrew located on the inboard flap in the outboard position, or within 25 flight cycles after August 11, 1999, whichever occurs later: Replace each jackscrew having P/N 5318–1 on the inboard flap in the outboard position, in accordance with the procedures specified in Falcon 900 AMM 27–521, dated December 1998, or Falcon 900EX AMM 27–510, dated September 1996, as applicable; the replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (e) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 thereafter at intervals not to exceed 2,200 flight cycles.

(e) A jackscrew having part number 5318–1 and located on the inboard flap in the outboard position may be replaced by a reconditioned jackscrew having P/N 5318–1, provided that all of the conditions specified in paragraphs (e)(1), (e)(2), and (e)(3) of this AD are met.

(1) The jackscrew has been reconditioned, in accordance with Dassault Service Bulletin AVIAC 5318–27–01.

(2) The jackscrew was located on the inboard flap in the outboard position prior to being reconditioned.

(3) The jackscrew has been reconditioned only one time.

Repetitive Measurements

(f) Prior to the accumulation of 1,000 total flight cycles on the outboard jackscrews located on the outboard flaps, or within 25 flight cycles after August 11, 1999, whichever occurs later: Measure the screw/nut play of the jackscrews having P/N 1–5319–1 (on the leftwing) and 2–5319–1 (on the rightwing) on the outboard flaps, in accordance with the procedures specified in Falcon 900 AMM Temporary Revision (TR) 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable.

Note 2: Jackscrews having P/N 1–5319–1 or 2–5319–1 may be reconditioned in accordance with Dassault Service Bulletin AVIAC 5319–27–01. These jackscrews may be reconditioned and reused more than one time.

(1) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurement thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. If any repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (f)(2) of this AD.

(2) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (f)(2)(i) and (f)(2)(ii) of this AD.

(i) Prior to further flight, replace the jackscrew with a new or reconditioned jackscrew, in accordance with Falcon 900 AMM 27–521, dated December 1998, or Falcon 900EX AMM 27–510, dated September 1996, as applicable.

(ii) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew, perform a follow-on measurement of the screw/nut play, in accordance with the procedures specified in Falcon 900 AMM Temporary Revision (TR) 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable.

(iii) If any follow-on measurement required by paragraph (f)(2)(ii) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (f)(1) of this AD. If any follow-on measurement required by (f)(2)(ii) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (f)(2)(i) and (f)(2)(ii) of this AD.

(g) Prior to the accumulation of 600 total flight cycles on the jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1, which is located on the inboard flap in the inboard position to detect discrepancies, in accordance with the procedures specified in Falcon 900 AMM TR 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable. If the measurement is greater than 0.014 inch, prior to further flight, replace the discrepant jackscrew with a new or reconditioned jackscrew, in accordance with the applicable maintenance manual.

(h) Prior to the accumulation of 1,000 total flight cycles on the jackscrew located on the inboard flap in the outboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1, which is located on the inboard flap in the outboard position, in accordance with the procedures specified in Falcon 900 AMM TR 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable.

(1) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurements thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. If any repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (h)(2) of this AD.

(2) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) Prior to further flight, replace the discrepant jackscrew with a new or reconditioned jackscrew, in accordance with Falcon 900 AMM 27–521, dated December 1998, or Falcon 900EX AMM 27–510, dated September 1996, as applicable.

(ii) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew perform a follow-on measurement of the screw/nut play, in accordance with the procedures specified in Falcon 900 AMM Temporary Revision (TR) 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable.

(iii) If any follow-on measurement required by paragraph (h)(2)(ii) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (h)(1) of this AD. If any follow-on measurement required by paragraph (h)(2)(ii) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

Airplane Flight Manual Revision

(i) Within 7 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement (this may be accomplished by inserting a copy of this AD in the AFM):

''In case of discrepancy between the control position and flap position indicator, do not change flap position control handle. Apply flight manual abnormal procedure ''Flight controls '' system jamming or asymmetry'' for approach speed and landing distance.''

Note 3: When the statement in paragraph (a) of this AD has been incorporated into the FAA-approved general revisions of the AFM, the general revisions may be incorporated into the AFM, provided the statement in this AD and the general revisions is identical. This AD may then be removed from the AFM.

Alternative Methods of Compliance

(j)(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, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

(2) Alternative methods of compliance, approved previously in accordance with AD 99–14–07, amendment 39–11218, are not considered to be approved as alternative methods of compliance with this AD.

Special Flight Permits

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

Note 4: The subject of this AD is addressed in French airworthiness directive 1999–082–024(B) R2, dated September 20, 2000.

Issued in Renton, Washington, on February 6, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–3585 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 255

[Docket No. OST–2002–11577]

RIN 2105–AC75

Extension of Computer Reservations Systems (CRS) Regulations

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is proposing to amend its rules governing airline computer reservations systems (CRSs), 14 CFR part 255, by changing the rules' expiration date from March 31, 2002, to March 31, 2003. If the expiration date is not changed, the rules will terminate on March 31, 2002. The proposed extension of the current rules will keep them in effect while the Department carries out its reexamination of the need for CRS regulations. The Department has tentatively concluded that the current rules should be maintained because they appear to be necessary for promoting airline competition and helping to ensure that consumers and their travel agents can obtain complete and accurate information on airline services. The rules were previously extended from December 31, 1997, to March 31, 1999, then to March 31, 2000, then to March 31, 2001, and most recently to March 31, 2002.

DATES: Comments must be submitted on or before March 18, 2002. Late filed comments will be considered to the extent possible.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them (marked with docket number OST–2002–11577) by only one of the following means:

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

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

The telephone number is 202–366–9329.

(3) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.* Comments must be filed in Docket OST–2002–11577.

However, due to security procedures in effect since October 2001 on mail deliveries, mail received through the Postal Service may be subject to delays. Commenters should consider using an express mail firm to ensure the timely filing of any comments not submitted electronically or by hand.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 Seventh St., SW., Washington, DC 20590, (202) 366–4731.

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SUPPLEMENTARY INFORMATION: The Department adopted its rules governing CRS operations, 14 CFR part 255, because almost all airlines operating in the United States relied on the CRSs in marketing their airline services and each system was then controlled by one or more airlines or airline affiliates. 57 FR 43780 (September 22, 1992). We concluded that the rules were necessary to ensure that each of the airlines and airline affiliates that controlled the systems did not use them to unfairly prejudice the competitive position of other airlines and to ensure that travel agents and their customers could obtain accurate and unbiased information from the systems. CRS rules were necessary because almost all airlines received most of their bookings from travel agencies and because travel agents relied on the systems to obtain airline information and make bookings for their customers. Our rules as revised will expire on March 31, 2002, unless we readopt them or extend the expiration date. We began a proceeding to determine whether the rules are necessary and should be readopted and, if so, whether they should be modified, by issuing an advance notice of proposed rulemaking. 62 FR 47606 (September 10, 1997). We are proposing here to extend the rules' expiration date to March 31, 2003, so that they will remain in force while we complete that proceeding. The Department expects to issue a notice of proposed rulemaking regarding the substantive issues that might be addressed in revised CRS rules later this year.

We are allowing thirty days for comments on this proposal. That comment period will enable us to publish a final decision on this proposal before the rules' current expiration date. Our advance notice of proposed rulemaking and our supplemental advance notice of proposed rulemaking have given interested persons an opportunity to comment on whether the rules should be maintained.

The CRS Business

A CRS provides information and booking capabilities on airline services and other travel services sold through it to its users, who are primarily travel agents (both traditional agencies and on-line agencies). Consumers using Internet reservations services and corporate travel departments also use the systems. Users access the systems through computer terminals. Someone using a CRS can investigate what airline seats and fares are available and can book a seat on each airline that ''participates'' in the system, that is, that makes its services saleable through the CRS.

Four CRSs operate in the United States. Two of them—Worldspan and Amadeus—are owned in whole or part by one or more U.S. or foreign airlines, and the other two—Sabre and Galileo—are marketed by one or more U.S. airlines and until recently were also controlled by one or more airlines.

The systems charge participating airlines and other travel suppliers fees when a user books travel services through the system or changes an existing booking (these fees are called ''booking fees''). The fees paid by travel suppliers produce most of each system's revenues. Many travel agencies also pay fees for using a system, although other travel agencies obtain system services without charge. Since the systems compete for travel agency customers (''subscribers''), market forces usually discipline subscriber fees.

Regulatory Background

The Civil Aeronautics Board (''the Board''), the agency formerly responsible for the airline industry's economic regulation, initially adopted CRS rules because the systems had become essential for airline distribution due to the travel agents' reliance on them for investigating and booking airline services. 49 FR 32540 (August 15, 1984). Each system then operating in the United States, with one minor exception, was owned by a single airline, and each owner airline was using its system to prejudice competing airlines and to give consumers biased or incomplete information in order to obtain more bookings. The Board determined that regulations were necessary to keep the systems from substantially injuring airline competition and from misleading consumers. The Board adopted the rules under the authority granted it by section 411 of the Federal Aviation Act, later recodified as 49 U.S.C. 41712, to prevent unfair methods of competition and unfair and deceptive practices in air transportation and the sale of airline transportation. The Board's rules were affirmed on review. *United Air Lines* v. *CAB,* 766 F.2d 1107 (7th Cir. 1985).

The Board's rules required each system to make participation available to all airlines on non-discriminatory terms, to offer at least one unbiased display, and to make available to each airline participant any marketing and booking data that the system chose to generate from bookings for domestic travel. The rules also prohibited certain CRS contract terms that unreasonably kept travel agencies from switching systems or using more than one system.

The Board's rules contained a sunset date, December 31, 1990, to ensure that we would reexamine the rules after we assumed the Board's responsibilities for airline economic regulation. We conducted such a reexamination and concluded that the rules remained necessary and should be strengthened in certain respects. 57 FR 43780 (September 22, 1992). The rules were still necessary, because market forces did not discipline the price or level of service offered participating airlines by the systems. CRS owners could use their control of the systems to prejudice airline competition, and the systems could bias their displays of airline services, if there were no rules. 57 FR at 43783–43787.

Our rules also included a sunset date, December 31, 1997. 14 CFR 255.12; 57 FR at 43829–43830 (September 22, 1992). We began our current reexamination of the rules by publishing an advance notice of proposed rulemaking requesting comments on whether we should readopt the rules and, if so, whether they should be changed. 62 FR 47606 (September 10, 1997). We thereafter published a

supplemental advance notice of proposed rulemaking that asked the parties to update their comments in light of recent developments and to comment on whether any rules should be adopted regulating the use of the Internet in airline distribution. 65 FR 45551 (July 24, 2000). We have also been conducting informal studies of recent developments in airline distribution and of the proposed business plan and operational strategy of Orbitz, a travel website owned by five major U.S. airlines.

Almost all of the parties responding to our advance notice of proposed rulemaking and supplemental advance notice of proposed rulemaking have urged us to maintain CRS rules, although many have argued that the rules required changes. Few parties have argued that we should eliminate the rules or that the continued regulation of the CRS business is unnecessary. An extension of the current rules pending completion of the current reexamination of those rules would be consistent with the positions taken by most of the commenters.

Previous Extension of the Rules' Sunset Date

Previously, we have extended the sunset date four times, first to March 31, 1999, and most recently to March 31, 2002. 62 FR 66272 (December 18, 1997); 64 FR 15127 (March 30, 1999); 65 FR 16808 (March 30, 2000); and 66 FR 17352 (March 30, 2001). We concluded that these extensions were necessary to prevent the harm that would arise if the CRS business were not regulated and in view of the fact that extending the rules would not impose substantial costs on the industry. The only party that commented on the first proposed extension—America West Airlines—supported it, as did three parties that commented on the second proposed extension—Amadeus Global Distribution System, America West, and the Association of Asia-Pacific Airlines. Worldspan's comment on the second proposed extension did not oppose the extension. The parties that took a position on the third proposed extension—Delta, Amadeus, Worldspan, and the American Society of Travel Agents—all supported the proposal. Worldspan, Delta, America West, and Orbitz supported our fourth proposed extension, while the Air Carrier Association did not oppose it. The Air Carrier Association, Delta, and America West urged us to revise the rules on some issues as soon as possible.

Status of Our Review

The Department recognizes that our reexamination of the rules should be completed as soon as possible, and the staff is moving forward promptly to bring the rulemaking to completion. Our rules must be updated to reflect current industry conditions, and we must consider whether the rules should be extended to the Internet, which is becoming increasingly important in airline distribution.

CRS-related issues may arise that may require a decision before we complete our overall reexamination of the rules. The importance of some issues related to Orbitz, for example, caused us to review Orbitz' business plan before it launched its service to the public, and we are conducting a further review of Orbitz to see whether its actual operations present competitive issues. When expedited action is needed on other issues, we will address them promptly. We are aware that several parties have requested expedited action on specific proposed revisions to the CRS rules, such as rules limiting airline booking fees and giving travel agency subscribers additional rights to cancel CRS contracts. *See, e.g.*, the petition filed by America West on airline booking fees; the Emergency Petition for Rulemaking filed by the Association of Retail Travel Agents in Docket OST–98–4775 on travel agency contracts; the petition filed by Amadeus in Docket OST–99–5888 on the tying of an airline's corporate discount fares with the agency's use of that airline's CRS; and the comments filed by several travel agency parties and the Association of Air Carriers of America requesting expedited action on an amendment that would bar or restrict systems from providing booking and marketing data to airlines. While we currently intend to address all of the rulemaking issues in the overall reexamination, and to do so promptly, we will consider acting more quickly on specific issues as necessary.

Our Proposed Extension of the CRS Rules

We are again proposing to extend the expiration date for our CRS rules by one year, to March 31, 2003, to maintain the rules while we complete our reexamination of the need for the rules and their effectiveness. Our overall reexamination of our rules, including the need to give parties an adequate opportunity to file comments and reply comments in response to our future notice of proposed rulemaking, cannot be completed within the several weeks remaining before the current expiration date, March 31, 2002. Our proposed amendment would preserve the status quo until we determine which rules, if any, should be adopted. Allowing the current rules to expire would be disruptive, since the systems, airlines, and travel agencies have been conducting their operations in the expectation that each system will comply with the rules. Systems, airlines, and travel agencies, moreover, would be unreasonably burdened if the rules were allowed to expire and we later determined that those rules (or similar rules) should be adopted, since they could have changed their business methods in the meantime.

We are proposing to maintain the rules for another year primarily in order to protect airline competition and consumers against unreasonable and unfair practices. In our past reviews of the need for CRS rules, we found that CRSs were still essential for the marketing of the services of almost all airlines. 57 FR 43780, 43783–43784 (September 22, 1992). We concluded that rules were necessary because travel agencies were the airlines' principal method of distribution, because travel agencies relied on CRSs, because most travel agency offices used only one CRS, because airlines and other firms had not successfully encouraged travel agencies to use alternatives for CRSs, and because non-owner airlines were unable to induce agencies to use CRSs that provided better or less expensive service to the airlines. 57 FR at 43783–43784, 43831. If an airline did not participate in a system used by a travel agency, that agency was less likely to book its customers on that airline. The importance of marginal revenues in the airline industry meant that no airline could afford to lose access to a significant source of revenue. An airline (or other firm) could not practicably create a system that could compete with the existing systems. Almost all airlines therefore had to participate in each CRS, and CRSs did not need to compete for airline participants. 57 FR at 43783–43784.

These findings still appear to be valid. Travel agencies still make most airline bookings in the United States, travel agencies still rely heavily on CRSs to obtain information on airline services and to make bookings, and most travel agency offices rely entirely or predominantly on one system to carry out these tasks. The decisions of most low-fare airlines to participate in each system, even though several initially believed that they could reduce their costs while not forfeiting much traffic by declining to participate in the systems, support these findings. 62 FR at 47608. As noted above, most of the

parties that responded to our advance notice of proposed rulemaking and supplemental advance notice of proposed rulemaking have stated that the rules remained necessary, and most of them have urged us to strengthen them further to protect against potential abuses by system owners.

Thus, while we have not made a determination that the rules should be readopted, we tentatively believe that our past findings on the need for CRS rules are still valid, at least for the purpose of a short-term extension of the rules' expiration date. Maintaining the current rules will protect airline competition and consumers against the injuries that would otherwise occur, given our earlier findings on the market power of the systems and the systems' ability to engage in practices that could prejudice airline competition and lead to consumer deception. Continuing the rules in effect should not impose significant costs on the systems and their owners, since they have already adjusted their operations to comply with the rules and since the rules do not impose costly burdens of a continuing nature on the systems.

Furthermore, our obligation under section 1102(b) of the Federal Aviation Act, recodified as 49 U.S.C. 40105(b), to act consistently with the United States' obligations under treaties and bilateral air services agreements further supports our continuation of the rules. Many of those bilateral agreements assure the airlines of each party a fair and equal opportunity to compete. We have held that the fair and equal opportunity to compete includes, among other things, a right to have an airline's services fairly displayed in CRSs. Our rules against display bias and discriminatory treatment help to provide foreign airlines with a fair and equal opportunity to compete in the United States. 57 FR at 43791–43792.

We recognize that the airline distribution system and the CRS business are changing. The Internet's role in airline distribution is growing rapidly. Two of the systems—Sabre and Galileo—are no longer controlled by airlines. American and Southwest market Sabre, however, and United markets Galileo, so these two systems each have significant airline ties which could potentially lead to deceptive or unfair competitive practices if our rules expired. Whether the rules should be readopted in light of the changes in system ownership is, of course, an issue that we are carefully considering in our reexamination of the rules. 65 FR at 45554, 45556. As stated above, we recognize the importance of updating the rules to reflect all such developments.

Regulatory Process Matters

Regulatory Assessment

This rulemaking is a nonsignificant regulatory action under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget under that order. The proposal is also not significant under the regulatory policies and procedures of the Department of Transportation, 44 FR 11034.

Maintaining the current rules should not impose significant costs on the systems. They have already taken the steps necessary for compliance with the rules' requirements on displays and functionality, and complying with those rules on a continuing basis does not impose a substantial burden on the systems. Keeping the rules in force will benefit participating airlines, since otherwise they could be subjected to unreasonable terms for participation, and consumers, who might otherwise obtain incomplete or inaccurate information on airline services. The rules also prevent some types of abuses by systems in their competition for travel agency subscribers.

When we conducted our last major CRS rulemaking, we included a tentative economic analysis in our notice of proposed rulemaking and made that analysis final when we issued our final rule. We believe that analysis remains applicable to our proposal to extend the rules' expiration date. As a result, no new regulatory impact statement appears to be necessary. However, we will consider comments from any party on that analysis before we make our proposal final.

This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.

Small Business Impact

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The act requires agencies to review proposed regulations that may have a significant economic impact on a substantial number of small entities. For purposes of this rule, small entities include smaller U.S. airlines and smaller travel agencies. Our notice of proposed rulemaking sets forth the reasons for our proposed extension of the rules' expiration date and the objectives and legal basis for that proposed rule.

Furthermore, maintaining the current rules will not modify the existing regulation of small businesses. Our final rule in our last major CRS rulemaking contained a regulatory flexibility analysis on the impact of the rules. As a result of that analysis, we determined that this regulation did not have a significant economic impact on a substantial number of small entities. Our analysis appears to be valid for our proposed extension of the rules' termination date. Accordingly, we adopt that analysis as our tentative regulatory flexibility statement and will consider any comments filed on that analysis in connection with this proposal.

The continuation of our existing CRS rules will primarily affect two types of small entities, smaller airlines and travel agencies. To the extent that airlines can operate more efficiently and reduce their costs, the rules will also affect all small entities that purchase airline tickets, since airline fares may be somewhat lower than they would otherwise be, although the difference may be small.

Continuing the rules will protect smaller non-owner airlines from several potential system practices that could injure their ability to operate profitably and compete successfully. No smaller airline has a CRS ownership interest. Market forces do not significantly influence the systems' treatment of airline participants. As a result, if there were no rules, the airlines affiliated with the systems could use them to prejudice the competitive position of other airlines. The rules provide important protection to smaller airlines. For example, by prohibiting systems from ranking and editing displays of airline services on the basis of carrier identity, they limit the ability of each system to bias its displays in favor of its owner airlines and against other airlines. The rules also prohibit charging participating airlines discriminatory fees. The rules, on the other hand, impose no significant costs on smaller airlines.

The CRS rules affect the operations of smaller travel agencies, primarily by prohibiting certain CRS practices that could unreasonably restrict the travel agencies' ability to use more than one system or to switch systems. The rules prohibit CRS contracts that have a term longer than five years, give travel agencies the right to use third-party hardware and software, and prohibit certain types of contract clauses, such as minimum use and parity clauses, that restrict an agency's ability to use multiple systems. By prohibiting display bias based on carrier identity, the rules also enable travel agencies to

obtain more useful displays of airline services.

Our proposed rule contains no direct reporting, record-keeping, or other compliance requirements that would affect small entities. There are no other federal rules that duplicate, overlap, or conflict with our proposed rules.

Interested persons may address our tentative conclusions under the Regulatory Flexibility Act in their comments submitted in response to this notice of proposed rulemaking.

I certify under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. *et seq.*) that this regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposal contains no collection-of-information requirements subject to the Paperwork Reduction Act, Public Law 96–511, 44 U.S.C. Chapter 35.

Federalism Assessment

This proposed rule has been reviewed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been determined that this action does 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. This proposed rule will not limit the policymaking discretion of the States. Nothing in this proposal would directly preempt any State law or regulation. We are proposing this amendment primarily under the authority granted us by 49 U.S.C. 41712 to prevent unfair methods of competition and unfair and deceptive practices in the sale of air transportation. We believe that the policy set forth in this proposed rule is consistent with the principles, criteria, and requirements of the Federalism Executive Order and the Department's governing statute. Comments on these conclusions are welcomed and should be submitted to the docket.

List of Subjects in 14 CFR Part 255

Air carriers, Antitrust, Consumer protection, Reporting and recordkeeping requirements, Travel agents.

Accordingly, the Department of Transportation proposes to amend 14 CFR Part 255 as follows:

PART 255—[AMENDED]

1. The authority citation for Part 255 continues to read as follows:

Authority: 49 U.S.C. 40101, 40102, 40105, 40113, 41712.

2. Section 255.12 is revised to read as follows:

§ 255.12. Termination.

The rules in this part terminate on March 31, 2003.

Issued in Washington, DC on February 12, 2002, under authority delegated by 49 CFR 1.56a (h) 2.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02–3924 Filed 2–13–02; 1:03 pm]

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FEDERAL TRADE COMMISSION

16 CFR Part 303

Rules and Regulations Under the Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission (''Commission'') solicits comments on whether to amend Rule 7(c) of the Rules and Regulations Under the Textile Fiber Products Identification Act (''Textile Rules''), to establish a new generic fiber subclass name and definition as an alternative to the generic name ''polyester'' for a specifically proposed subclass of polyester fibers manufactured by E. I. du Pont de Nemours and Company (''DuPont''), of Wilmington, Delaware. DuPont suggested the name ''elasterell-p'' for the fiber, which it described as an inherently elastic, bicomponent textile fiber consisting of two substantially different forms of polyester fibers, and referred to as ''T400.''

DATES: Comments will be accepted through April 19, 2002.

ADDRESSES: Comments should be submitted to: Office of the Secretary, Federal Trade Commission, Room 159, 600 Pennsylvania Ave., NW, Washington DC 20580. Comments should be identified as ''16 CFR part 303—Textile Rule 8 DuPont Comment—P948404.''

FOR FURTHER INFORMATION CONTACT: Neil Blickman, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580; (202) 326–3038.

SUPPLEMENTARY INFORMATION:

I. Background

Rule 6 of the Textile Rules (16 CFR 303.6) requires manufacturers to use the generic names of the fibers contained in their textile products in making fiber content disclosures on labels, as required by the Textile Fiber Products Identification Act (''Textile Act''), 15 U.S.C. 70b(b)(1). Rule 7 of the Textile Rules (16 CFR 303.7) sets forth the generic names and definitions that the Commission has established for synthetic fibers. Rule 8 (16 CFR 303.8) describes the procedures for establishing new generic names.

DuPont applied to the Commission on February 5, 2001, for a new polyester fiber subclass name and definition, and supplemented its application with additional information and test data on March 18, 2001, and August 23, 2001.[1] DuPont stated that the T400 fiber is an inherently elastic, bicomponent, manufactured textile fiber consisting of two substantially different forms of polyester fibers. According to DuPont, T400 is distinguished from commercially available fibers by a significant and long-lived stretch and recovery characteristic fitting between conventional textured polyesters and spandex.

As a result of T400's fiber structure, DuPont maintained that T400 has the following distinctive properties: (1) Stretch and recovery power that is far superior to that of any textured fiber, including textured polyesters; (2) the superior stretch and recovery property does not degrade or ''sag'' over time with normal use and washings, compared to textured fibers, including polyesters; and (3) a softer ''silkier'' feel or ''hand'' than textured polyester fibers. DuPont asserted that T400 will fill a growing and unmet consumer demand for stretch garments with fibers that can yield quality stretch and recovery without degrading over time like textured polyester fibers. DuPont contends that it would be confusing to consumers if T400 is called simply ''polyester.''

DuPont, therefore, petitioned the Commission to establish the generic name ''elasterell-p'' as an alternative to, and a subclass of, ''polyester.'' In addition, DuPont proposed that the Commission add the following sentence to the current definition of polyester in

[1] DuPont's petition and supplements thereto are on the rulemaking record of this proceeding. This material, as well as any comments filed in this proceeding, will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and the Commission's Rules of Practice, 16 CFR 4.11, at the Consumer Response Center, Public Reference Section, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC. Any comments that are filed will be found under the Rules and Regulations Under the Textile Fiber Products Identification Act, 16 CFR part 303, Matter No. P948404, ''DuPont Generic Fiber Petition Rulemaking.'' The comments also may be viewed on the Commission's website at www.ftc.gov.

Rule 7(c) to define T400 and similar fibers as a subclass of polyester:

Where the fiber is a multicomponent and exhibits inherent (not mechanically induced) recoverable stretch of at least 35% upon loading with 185 mg/dtex and unloading to 5.4 mg/dtex when tested in accordance with ASTM test D6720, the term ''elasterell-p'' may be used as a generic description of the fiber.

The effect of DuPont's proposed amendment would be to allow use of the name ''elasterell-p'' as an alternative to the generic name ''polyester'' for the subcategory of polyester fibers meeting the further criteria contained in the sentence added by the proposed amendment.

After an initial analysis with the assistance of a textile expert, the Commission determined that DuPont's proposed new fiber technically falls within Rule 7(c)'s definition of ''polyester.''[2] The Commission further determined that DuPont's application for a new subclass name and definition merits further consideration. Accordingly, on May 21, 2001, the Commission announced that it had issued DuPont the designation ''DP 0002'' for temporary use in identifying T400 fiber pending a final determination on the merits of the application for a new generic fiber subclass name and definition. A final determination will be based on whether the record in this proceeding indicates that DuPont meets the Commission's criteria for issuing new fiber subclass names and definitions, as described in Part II, below.

II. Invitation To Comment

The Commission is soliciting comment on DuPont's application generally, and on whether the application meets the Commission's criteria for granting applications for new generic fiber subclass names.

The Commission articulated standards for establishing a new generic fiber ''subclass'' in the proceeding to allow use of the name ''lyocell'' as an alternative generic description for a specifically defined subcategory of ''rayon'' fiber, pursuant to 16 CFR 303.7(d). There, the Commission noted that:

Where appropriate, in considering applications for new generic names for fibers that are of the same general chemical composition as those for which a generic name already has been established, rather than of a chemical composition that is radically different, but that have distinctive properties of importance to the general public as a result of a new method of manufacture or their substantially differentiated physical characteristics, such as their fiber structure, the Commission may allow such fiber to be designated in required information disclosures by either its generic name or, alternatively, by its ''subclass'' name. The Commission will consider this disposition when the distinctive feature or features of the subclass fiber make it suitable for uses for which other fibers under the established generic name would not be suited, or would be significantly less well suited.[3]

Thus, a new generic fiber subclass may be appropriate in cases where the proposed subclass fiber: (1) Has the same general chemical composition as an established generic fiber category; (2) has distinctive properties of importance to the general public as a result of a new method of manufacture or substantially differentiated physical characteristics, such as fiber structure; and (3) the distinctive feature(s) make the fiber suitable for uses for which other fibers under the established generic name would not be suited, or would be significantly less well suited.[4]

Within the established 24 generic names for manufactured fibers, there are three cases where such generic name alternatives may be used: (1) Pursuant to Rule 7(d), 16 CFR 303.7(d), within the generic category ''rayon,'' the term ''lyocell'' may be used as an alternative generic description for a specifically defined subcategory of rayon fiber; (2) pursuant to Rule 7(e), 16 CFR 303.7(e), within the generic category ''acetate,'' the term ''triacetate'' may be used as an alternative generic description for a specifically defined subcategory of acetate fiber; and (3) pursuant to Rule 7(j), 16 CFR 303.7(j), within the generic category ''rubber,'' the term ''lastrile'' may be used as an alternative generic description for a specifically defined subcategory of rubber fiber.

DuPont's application may describe a subclass of generic polyester fibers with distinctive features resulting from physical characteristics of the fiber and its method of manufacture, which meets the above standard for allowing designation by the subclass name ''elasterell-p.'' Alternatively, T400 may fit within the current definition of polyester in Rule 7(c), with or without need for clarification. This notice, therefore, suggests three approaches to resolve the situation, and requests comment from the public on the relative merits of each:

1. Amend Rule 7(c) to broaden its definition for polyester to better describe the allegedly unique molecular structure and physical characteristics of T400 and any similar fibers (without creating a new subclass for T400);
2. Amend Rule 7(c)'s definition for polyester by creating a separate subclass name and definition for T400 and other similar qualifying fibers within the polyester category; or
3. Deny DuPont's application because T400 fiber fits within Rule 7(c)'s definition of polyester without need for any change.

In today's notice, the Commission is soliciting comments on all aspects of the appropriateness of DuPont's proposed amendment to Rule 7(c)'s definition of polyester. Although the Commission initially has determined that DuPont's new fiber technically falls within the existing Rule 7(c), 16 CFR 303.7(c), definition of ''polyester,'' the Commission believes it is in the public interest to solicit comments on whether it should amend Rule 7(c) by creating a subclass to recognize T400's characteristics or otherwise. Before deciding whether to amend Rule 7, the Commission will consider any comments submitted to the Secretary of the Commission within the above-mentioned comment period.

III. DuPont's Petition

A. T400 Fiber's Chemical Composition

DuPont's petition and supplemental filings described in detail the T400 fiber. The following description is substantially verbatim:

Although each of the two components of T400 has the same chemical composition as polyester, new technology has made it possible for

[2] Rule 7(c) defines ''polyester'' as ''[a] manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of an ester of a substituted aromatic carboxylic acid, including but not restricted to substituted terephthalate units, [formula omitted] and para substituted hydroxybenzoate units, [formula omitted].'' 16 CFR 303.7(c).

[3] 60 FR 62352, 62353 (Dec. 6, 1995).

[4] The criteria for establishing a new generic subcategory are different from the criteria to establish a new generic category. The Commission's criteria for granting applications for new generic names are as follows: (1) The fiber for which a generic name is requested must have a chemical composition radically different from other fibers, and that distinctive chemical composition must result in distinctive physical properties of significance to the general public; (2) the fiber must be in active commercial use or such use must be immediately foreseen; and (3) the granting of the generic name must be of importance to the consuming public at large, rather than to a small group of knowledgeable professionals such as purchasing officers for large Government agencies. The Commission believes it is in the public interest to prevent the proliferation of generic names, and will adhere to a stringent application of these criteria in consideration of any future applications for generic names, and in a systematic review of any generic names previously granted that no longer meet these criteria. The Commission announced these criteria on Dec. 11, 1973, at 38 FR 34112, and later clarified and reaffirmed them on Dec. 6, 1995, 60 FR 62353, on may 23, 1997, 62 FR 28343, on Jan. 6, 1998, 63 FR 447 and 63 FR 449, and on Nov. 17, 2000, 65 FR 69486.

DuPont to combine in a bicomponent fiber structure, previously commercialized polyester with another new form of polyester that has not yet been commercialized in the United States. One of these individual components of the new fiber is different from current commercial forms of polyester by one methylene group. T400 also has a molecular structure that is radically different from other polyesters in that it has a substantially different degree of polymerization and associated properties. In addition, T400's fiber structure is different from other polyesters. This differentiated physical characteristic is a helical crimp resulting from the differential shrinkage of two different fibers spun as a bicomponent, and results in a level of inherent stretch and recovery uncharacteristic of any other polyester. The stretch and recovery is not physically induced and temporary like texturizing, but is inherent in the helical fiber structure, and the stretch recovery power is sustained over time.

B. T400's Distinctive Properties as a Result of a New Method of Manufacture or Substantially Differentiated Physical Characteristics, Such as Fiber Structure

DuPont's petition detailed T400's distinctive physical properties. The following items are excerpted nearly verbatim from DuPont's petition and supplements.

1. According to DuPont, the most notable characteristic (and of greatest importance to consumers) of T400 is its stretch and recovery power which is far superior to that of any textured fiber, including textured polyesters. This property is a direct result of the fiber structure of T400. DuPont has compared the stretch and recovery of several false twist textured fibers to T400. The range of recoverable stretch values for T400, which is well above 35%, reflects the fact that DuPont can vary the stretch and recovery of the fiber by adjusting the spinner conditions. The recoverable stretch values for the polyester fibers described as 2GT, 3GT, and 4GT are below 35%.

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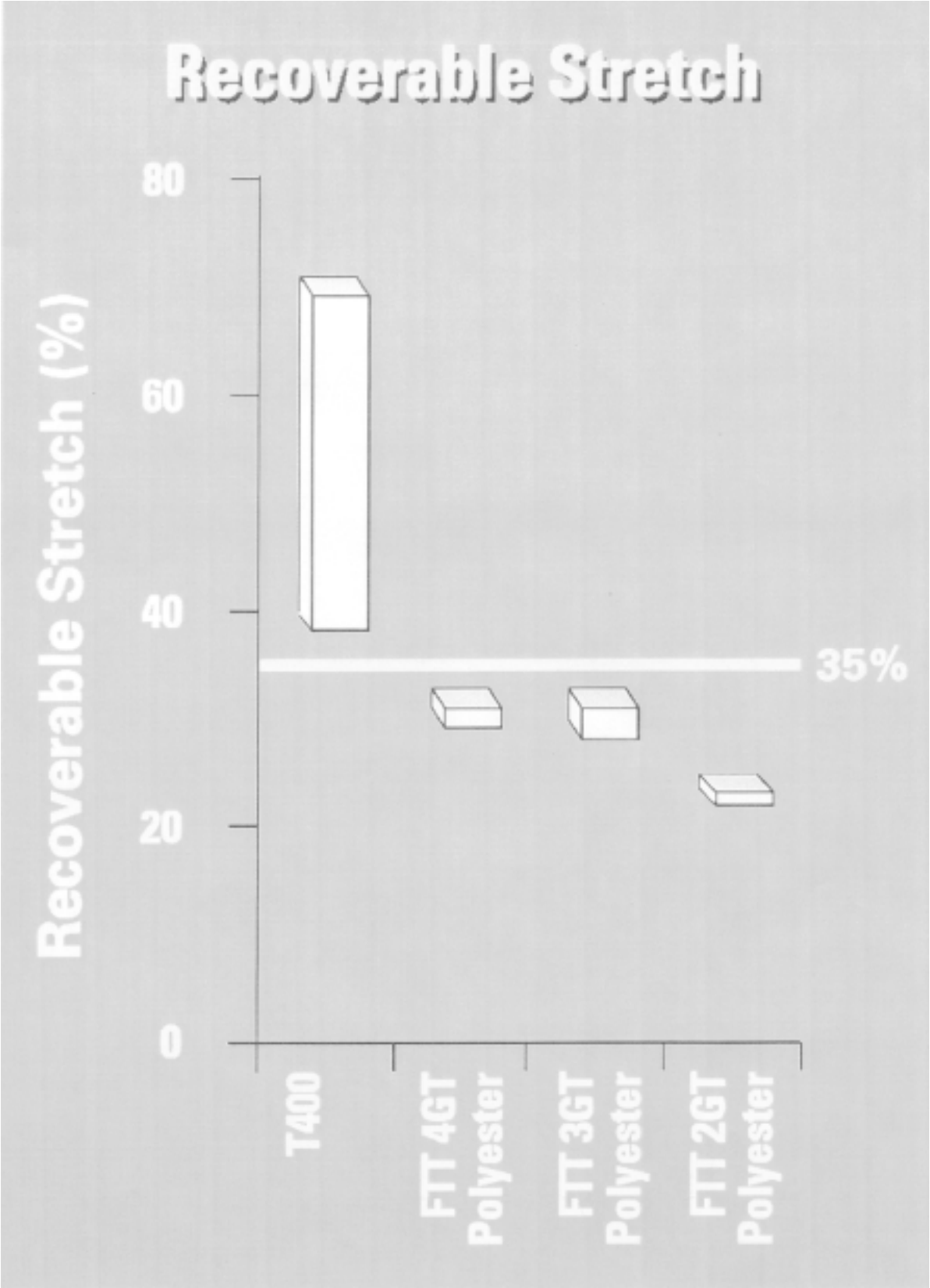

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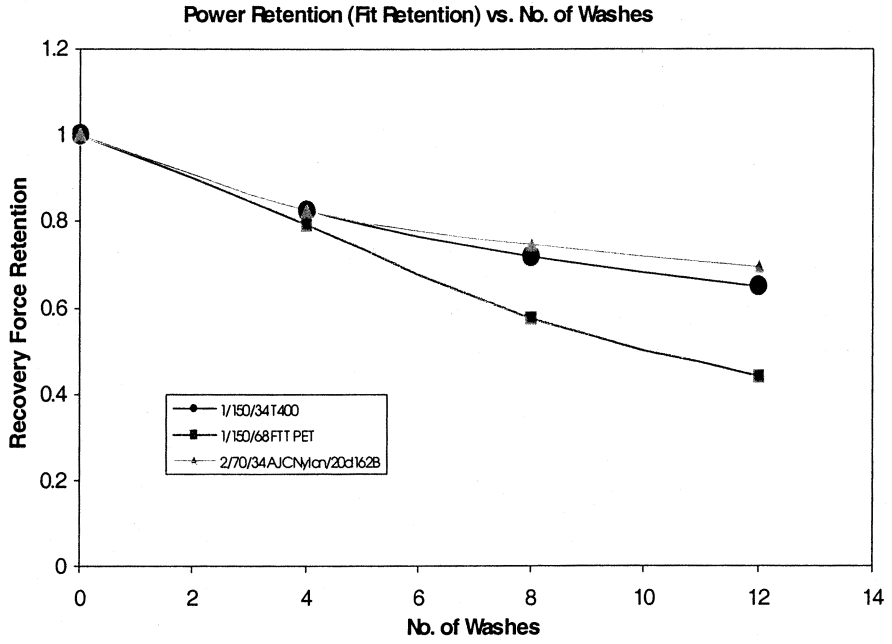
DuPont maintains that the ability of a yarn to recover effectively after being stretched is the key to producing quality stretch fabric. Air jet covered (AJC) spandex yarn (40d spandex with 150d polyester) having 9% by weight spandex was used as a yarn to benchmark recoverable stretch performance to provide quality stretch and recovery. Recoverable stretch measurements on a variety of yarns, including the AJC benchmark yarn, indicated 35% recoverable stretch as a minimum value for producing quality stretch fabrics. AJC spandex is accepted in the trade as the minimum recovery force product for creating quality stretch fabrics. DuPont compared the recoverable stretch of textured 2GT, textured 4GT, T400 and AJC spandex (9% by weight spandex) fibers using ASTM D6720 and the stretch of fabrics woven from those yarns. Results are summarized in the table below.

Yarn	2GT	4GT	T400	AJC spandex (9%)
Recoverable Stretch (%)	21	28	37	38
Woven Fabric Stretch (%)	10	9	23	21

According to DuPont, the data support the conclusions that a yarn having 35% recoverable stretch produces a high quality stretch fabric, while a yarn having a recoverable stretch of 28% does not produce a high quality stretch fabric. DuPont further opined, based on the research it has conducted, that 20% minimum fabric elongation (stretch) is required to insure garment comfort.

2. DuPont further stated that an additional distinctive property of T400 is that its superior stretch and recovery does not degrade over time as compared to textured fibers, including polyesters. DuPont has conducted testing to demonstrate the degradation of stretch and recovery over time due to home laundering. In this test, fabric samples were washed in an automatic washer with 105 degree F (+/−5 degrees) water, detergent, and one cup of chlorine bleach, and dried at 155 to 160 degrees F for the number of repetitions indicated.

Similar knit samples of a Lycra spandex and nylon blend (identified as 2/70/34 AJC Nylon/20d 162B), a 15% T400 and combed cotton blend (identified as 1/150/34 T400) and a 15% textured 2GT polyester and combed cotton blend (identified as 1/150/68 FTT PET) were washed repeatedly and tested for stretch and recovery. A chart illustrating the data follows.



According to DuPont, the data show that the stretch and recovery resulting from the inherent stretch from fiber structure, as represented by the spandex and T400 samples, degrade substantially less than does mechanically induced texturizing in rigid fibers after repeated laundering. When the effect of the lower initial power of the textured fabric is considered, the fabric with T400, after 12 washings, still has approximately 100% of the power of the textured fabric when new. With the same number of washes, the textured fabric has less than 45% of the power of the T400 fabric.

The chart above displays the residual recovery force of three types of knitted fabrics after a series of washings. The initial power, or recovery force, of the three knits measured before they were washed was used as the reference for the data in the chart. This zero wash cycle value was measured as the unload force at 140% elongation on the third cycle. The zero wash cycle values are as follows:

Sample	0 wash recovery force (gm)
1/150/34 T400	73
1/150/68 FTT PET	46
2/70/34 AJC Nylon/20d 162B	96

3. The physical properties of T400, 4GT, 3GT, and 2GT polyester fibers are

summarized in the table below. DuPont explained that the uniqueness of T400 is derived from the natural helical coil imparted by the differential shrinkage of the two polymer components. This polymer choice, combined with spinning technology, offers the differential shrinkage of the two components.

Fiber properties	T400	4GT	3GT	2GT
Recoverable Stretch	37%–68%	28%	27%	21%.
Stress/Strain	High Power, stretch.			
Cross-Section	Bicomponent non-homogeneous mix of two different polymers.	Irregular, homogeneous polymer.	Irregular, homogeneous polymer.	Irregular, homogeneous polymer.
Crimp	Consistent, regular, helical	Irregular	Irregular	Irregular.
Torque	Torque-free	Twist-lively	Twist-lively	Twist-lively.
Heat Set Temperature (F)	320–350	360–370	320	350–370.
Dye Temperature (F)	212–265	212	212	255–265.
Melting Point (F) measured by DSC.	444 and 484	439	446	487.
Glass Transition Temperature (F) measured by DSC.	149		122	165.
Tenacity (g/d)	3.8	2.7	2.6	4.3.
Initial Modulus (g/d)	40	18.6	15	48.
Extension @ Break (%)[5]	27	37	41	16.5.
Specific Gravity	1.36	1.32	1.35	1.39.
Yarn Crimp Extension (%)[6]	275	233	246	213.
Yarn Set (%)[7].				
2% Elongation	1.3	1.8	1.5	1.5.
5% Elongation	3.0	4.1	3.7	3.6.
10% Elongation	6.2	6.3	6.3	7.1.

4. Dupont maintains that T400's distinctivestretch and recovery properties are of importance to the general public.DuPont stated that it has conducted extensive consumer research to identifythe characteristics that consumers want for their clothes and on the appeal of stretch fabrics.[8] According to DuPont, globally, 74% of the population believe that stretch is not a fad, but is here to stay. DuPont contended that the appeal of stretch in garments is very high across age, sex and geographical boundaries. When men and women are asked to identify the value of the functional benefits of Lycra spandex in clothing, approximately 80% of men and women list the following: Comfort, freedom of movement, wrinkle/crease resistance, shape retention, fit, easy care. DuPont contends that consumers equate stretch with comfort, and that this is a distinctive property of importance to consumers.

C. T400's Distinctive Feature(s) Allegedly Make the Fiber Suitable for Uses for Which Other Polyester Fibers Would Not Be Suited, or Would Be Significantly Less Well Suited

DuPont asserted that T400 is suitable for uses for which polyester fibers are not suited, or not as well suited. DuPont's petition stated:

> T400 with inherent stretch will satisfy consumer demands for comfort, freedom of movement, shape retention and fit where textured fibers can not or can not as well. The difference will be noticeable to consumers with fabric stretch values 35–50% above [fabrics] made with textured yarns. T400 exhibits a much higher level of stretch than is possible with texturizing and, more significantly, it has recovery power that lasts. Inherent stretch built into the fiber structure does not degrade over time like the mechanical crimping of rigid polyester fibers. As a result, sweaters and sweatpants made with T400 will not sag like textured polyesters after normal use and numerous washings.

DuPont retained Arbor, Inc. of Media, Pennsylvania to conduct a qualitative, blind fabric focus group study with 18 consumers for the purpose of obtaining consumer reactions to fabrics constructed of textured 4GT, T400 and Lycra (spandex) blends with cotton. DuPont stated that, according to these consumers, the characteristics of the T400 blend fabrics seem to more closely resemble the characteristics of fabrics made with Lycra spandex fibers than fabrics made with a polyester or polyester/cotton blend. The fabrics made with T400 and Lycra spandex were viewed to have more stretch. There were varying views on whether the fabrics with T400 or the ones with Lycra spandex had the most stretch, but both were viewed as having stretch. The polyester fabrics were viewed to have little, if any, stretch. According to DuPont, this subjective evidence supports the conclusion that textured polyesters are not suitable or not as suitable for imparting the stretch to garments that consumers expect, and that T400 is a suitable stretch component.[9]

Finally, DuPont argued that granting the petition would facilitate the use of this fiber in consumer applications.[10] It also stated that a new generic term (like elasterell-p) would help consumers identify products made from T400. Thus, DuPont maintained that a new generic fiber subclass name would be important to the public at large, not just knowledgeable professionals.

IV. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial

[5] Extension @ Break expresses extension after the ''uncrimping'' or ''yarn crimp extension'' section of the force extension curves, as on page 4 of DuPont's first supplemental petition, has been removed.

[6] Yarn crimp extension is a measure of the ''uncrimping'' section of the force extension curve and was measured as follows: a 5,000 denier skein was boiled off to fully develop yarn crimp. The yarn length with 2.5 gr force was recorded (L 2.5). The skein was cycled three times to 1030 gr (L 1030) approximating a load that fully extends the yarn to uncrimp it. The extension is measured as 100% x (L 1030–L 2.5)/(L 2.5).

[7] Measured in accordance with ASTM D1774.

[8] Some of this research is documented in the brochure ''Lycra Brand Consumer Insights,'' attached as Exhibit 1 to DuPont's February 5, 2001 Petition.

[9] The executive summary of this study is included in DuPont's first supplemental petition dated March 18, 2001.

[10] Addressing the extent to which its fiber has been put into active commercial use, DuPont stated in its petition that it expected production capacity of T400 to expand to several thousand tons by the end of 2001. DuPont also expects that products manufactured from T400 will be consumed primarily in the United States and Europe.

regulatory analysis (5 U.S.C. 603–604) are not applicable to this proposal because the Commission believes that the amendment, if promulgated, will not have a significant economic impact on a substantial number of small entities. The Commission has tentatively reached this conclusion with respect to the proposed amendment because the amendment would impose no additional obligations, penalties or costs. The amendment simply would allow covered companies to use a new generic name for a new fiber that may not appropriately fit within current generic names and definitions. The amendment would impose no additional labeling requirements.

To ensure that no substantial economic impact is being overlooked, however, the Commission requests public comment on the effect of the proposed amendment on costs, profits, and competitiveness of, and employment in, small entities. After receiving public comment, the Commission will decide whether preparation of a final regulatory flexibility analysis is warranted. Accordingly, based on available information, the Commission certifies, pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed amendment, if promulgated, would not have a significant economic impact on a substantial number of small entities.

V. Paperwork Reduction Act

This proposed amendment does not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 109 Stat. 163) and its implementing regulations. (5 CFR 1320 *et seq.*) The collection of information imposed by the procedures for establishing generic names (16 CFR 303.8) has been submitted to OMB and has been assigned control number 3084–0101.

List of Subjects in 16 CFR Part 303

Labeling, Textile, Trade practices.

Authority: Sec. 7(c) of the Textile Fiber Products Identification Act (15 U.S.C. 70e(c)).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–3195 Filed 2–14–02; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08–01–035]

RIN 2115–AE47

Drawbridge Operation Regulations; Missouri River (Missouri)

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commander, Eighth Coast Guard District proposes to change the regulation governing the operation of the A–S–B Railroad Drawbridge, Mile 365.6, Missouri River between North Kansas City, Kansas and Kansas City, Missouri. The existing regulation prescribes a procedure for requesting an opening of the drawspan which significantly differs from the current procedure used, and contains wrong information. The change is necessary to reconcile the regulation to the current operating procedure.

DATES: Comments must reach the Coast Guard on or before April 16, 2002.

ADDRESSES: Material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD 08–01–035 and are available for inspection or copying at room 2.107f in the Robert A. Young Federal Building at Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Roger K. Wiebusch, Bridge Administrator (obr), Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832, at (314)539–3900, extension 378.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, view or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 08–01–035) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8 ½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Coast Guard district bridge office at the address under **ADDRESSES.** The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Regulatory History

Prior to 1985, 33 CFR 117.411(b) and 117.687(b) required the A–S–B Railroad Drawbridge to open on signal for the passage of vessels. In October 1983, the bridge owner proposed remote operation of this bridge and the adjacent Hannibal Railroad Drawbridge, Mile 366.1, Missouri River. On May 17, 1984, a Notice of Proposed Rulemaking to operate the A–S–B Railroad Drawbridge from a remote location was published in the **Federal Register**. The proposal was to change the operation of the bridge from an onsite operator to a bridge/train controller remotely located in a tower in a nearby rail yard. The proposed rule required the bridge to be equipped with a directional microphone and horn for communicating with vessels that did not possess a radiotelephone. It also provided for the installation of closed circuit TV cameras at various locations to enable the remote bridge/train controller to view both river traffic and the bridge. The proposed rule also described the manner in which communications would be established and maintained between the remote bridge train controller and approaching vessels, and delineated the light signals to be used. In June 1984, the bridge owner informed the Coast Guard that the bridge/train controller for the A–S–B Railroad Drawbridge could not be at the remote location identified in the proposed rule. Instead, the bridge/train controller would be located at the Hannibal Railroad Drawbridge. The communications and control of the A–S–B Railroad Drawbridge as described in the proposed rule would remain with the bridge/train controller at the Hannibal Railroad Drawbridge. On October 30, 1985, a Final Rule was approved by the Coast Guard to allow remote operation of the A–S–B Railroad Drawbridge. On November 18, 1985, the Final Rule was published in the **Federal Register**, with an effective date of December 18, 1985. Immediately following publication of the final rule,

the bridge owner informed the Coast Guard they would not follow the regulation as promulgated. Since then, several attempts have been made to change the operation of the drawbridge to comply with the existing regulation. The most recent attempt was in December 1997. Actions to bring the operation of the bridge into compliance were identified but never implemented.

Background and Purpose

The Burlington Northern Santa Fe Railroad (BNSF) owns and operates the A–S–B Railroad Drawbridge, Mile 365.6, Missouri River, between North Kansas City, Kansas and Kansas City, Missouri. In 1985, the current drawbridge operation regulations became effective. The intent of the regulations was to authorize remote operation of the A–S–B Drawbridge and to facilitate management of frequent train and vessel movements. Since 1985, there have been numerous reported vessel delays due to drawbridge operations. A review of the causes of the delays revealed that the bridge is not operated as required by the regulations, in part, from confusion about the proper procedure.

The differences between the regulation and current operating procedures were identified and discussed at a meeting between railroad personnel, waterway users and Coast Guard personnel. The current procedure for obtaining a bridge opening was reviewed and determined to be effective. The consensus of the group was that the regulations have not been followed for many years, but the current method used to request a bridge opening was effective, and the regulations should be changed to reflect the current method of operation.

Discussion of Proposed Rule

The A–S–B Railroad Drawbridge is a vertical lift drawbridge that crosses the Missouri River between North Kansas City, Kansas and Kansas City, Missouri. It is located .5 mile downstream from the Burlington Northern Santa Fe's Hannibal Railroad Drawbridge, a swing span bridge. A drawtender is located on the Hannibal Drawbridge, but not on the A–S–B Railroad Drawbridge. The A–S–B Railroad Drawbridge has never operated in accordance with the existing regulation. The proposed rule will delete the existing regulation for operation of this bridge and require it to operate in the same manner as all other drawbridges on the Missouri River. 33 CFR 117.411 and 117.687 require bridges on the Missouri River to open on signal except that, from December 16 through the last day of February, the draw shall open on signal if at least 24 hours notice is given. The proposed rule will have the A–S–B Railroad Drawbridge operate just as the adjacent Hannibal Railroad Drawbridge is required to do. Waterway users are accustomed to the current operating method. Eliminating the existing regulation and implementing the proposed regulation will not impact waterway users.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under Section 6(a)(3) of that Order. It has been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). Since the Coast Guard expects the economic impact of this proposed rule to be minimal a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Deleting 33 CFR 117.411(b) and 117.687(b) is strictly administrative since the current bridge operates in accordance with the existing requirements of 33 CFR 117.411(a) and 117.687(a).

Indian Tribal Governments

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

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Any individual that qualifies or, believes he or she qualifies as a small entity and requires assistance with the provision of this rule, may contact Mr. Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, Bridge Branch at (314) 539–3900, extension 378.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1888–REG–FAIR (1–888–734–3247).

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that in accordance with Figure 2–1, (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. The subject regulation change is procedural in nature, in that it is updating an existing procedure. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

§ 117.411 [Amended]

2. In § 117.411, remove paragraph (b) and remove the paragraph designation (a).

§ 117.687 [Amended]

3. In § 117.687, remove paragraph (b) and remove the paragraph designation (a).

Dated: February 6, 2002.

Roy J. Casto,

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

[FR Doc. 02–3693 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[FRL–7145–5]

National Ambient Air Quality Standards for Ozone; Notice of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meetings.

SUMMARY: The purpose of this document is to announce that EPA has scheduled two public meetings to solicit comments on various options to implement the 8-hour ozone national ambient air quality standard (NAAQS). The options contain EPA's preliminary views and are intended to initiate a dialogue with the public on approaches for implementing the 8-hour ozone NAAQS. The EPA is interested in hearing the views from interested stakeholders on the options that we've developed and their ideas on how to best implement the 8-hour ozone NAAQS consistent with the Supreme Court's decision in *Whitman* v. *American Trucking Association.* An overarching issue that EPA would like public input on is how EPA should address the Supreme Court's holding that subpart 2 of part D of title I of the Clean Air Act (CAA) applies for purposes of classifying areas under a revised ozone NAAQS.

DATES: The two, 1-day meetings will be held from 9 a.m. to 5 p.m. (EST) on Tuesday, March 5, 2002, in Alexandria, Virginia, and on Thursday, March 7, 2002, in Atlanta, Georgia.

ADDRESSES: The March 5, 2002 meeting will be held at: Radisson Old Town, 901 N. Fairfax Street, Alexandria, Virginia. The March 7, 2002 meeting will be held at: Renaissance Concourse Hotel, 1 Hartsfield Centre Parkway, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: For general information on the meetings, contact: Denise M. Gerth, U.S. EPA, Office of Air Quality Planning and Standards, C539–02, Research Triangle Park, NC 27711, phone (919) 541–5550, or e-mail: *gerth.denise@epa.gov.* To register for the meeting, please contact: Barbara Bauer, E.H. Pechan and Associates, Durham, NC, phone (919) 493–3144, extension 188, or e-mail: *barbara.bauer@pechan.com.*

SUPPLEMENTARY INFORMATION: On July 18, 1997, EPA revised the ozone NAAQS (62 FR 38856). At that time, EPA indicated it would implement the 8-hour ozone NAAQS under the less detailed requirements of subpart 1 of part D of title I of the CAA rather than more detailed requirements of subpart 2 requirements. Various industry groups and States challenged EPA's final rule promulgating the 8-hour ozone NAAQS in the U.S. Court of Appeals for the District of Columbia Circuit.[1] In May 1999, the Appeals Court remanded the ozone standard to EPA on the basis that EPA's interpretation of its authority under the standard-setting provisions of the CAA resulted in an unconstitutional delegation of authority. *American Trucking Assns., Inc.* v. *EPA*, 175 F.3d 1027, *aff'd*, 195 F.3d 4 (D.C. Cir. 1999). In addition, the Court held that EPA improperly interpreted the statute to provide for implementation of the 8-hour standard under subpart 1, but also determined that EPA could not implement a revised ozone standard under subpart 2. The EPA sought review of these two issues by the U.S. Supreme Court. In February 2001, the Supreme Court upheld the constitutionality of the air quality standard setting. *Whitman* v. *American Trucking Assoc.*, 121 S.Ct. 903. In addition, the Supreme Court held that EPA has authority to implement a revised ozone standard but that EPA could not ignore subpart 2 when implementing the 8-hour standard. Specifically, the Court noted EPA could not ignore the provisions of subpart 2 that ''eliminate[s] regulatory discretion'' allowed by subpart 1. After determining that EPA could not ignore the provisions of subpart 2, the Court went on to identify several portions of the classification scheme that are ''ill-fitted'' to the revised standard, but left it to EPA to develop a reasonable approach for implementation. Any implementation approach that EPA develops must address the requirements of the CAA, as interpreted by the Supreme Court.

The EPA has initiated a process to obtain stakeholder feedback on options the Agency is developing for implementation of the 8-hour ozone NAAQS. The EPA plans to issue a final rule on the implementation strategy prior to designating areas for the 8-hour ozone NAAQS. The implementation

[1] On July 18, 1997, EPA also promulgated a revised particulate matter (PM) standard (62 FR 38652). Litigation on the PM standard paralleled the litigation on the ozone standard and the court issued one opinion addressing both challenges.

rule will provide specific requirements for State and local air pollution control agencies and tribes to prepare implementation plans to attain and maintain the 8-hour NAAQS. States with areas that are not attaining the 8-hour ozone NAAQS will have to develop—as part of its State implementation plan (SIP)—emission limits and other requirements to attain the NAAQS within the time frames set forth in the CAA.[2] Tribal lands that are not attaining the 8-hour ozone standard may be affected, and could voluntarily submit a tribal implementation plan (TIP), but would not be required to submit a TIP. However, in cases where a TIP is not submitted, EPA would have the responsibility for planning in those areas.

The EPA is holding these meetings in order to obtain stakeholder feedback regarding the options that EPA has developed as well as to listen to any new or different ideas that stakeholders may be interested in presenting. In order to provide for more focused discussions, EPA is structuring these meetings to allow for an introductory session followed by four breakout sessions that attendees will rotate through in order to be involved in discussions of all the issues. The breakout sessions will cover the following topics: (1) Classifications and attainment dates; (2) nonattainment designations; (3) growth and its impact upon SIPs; and (4) other general SIP issues. A wrap up session will be held before adjourning. New Source Review (NSR) programs that accompany nonattainment designations will not be the subject of these meetings since the EPA is currently considering whether and how to change the NSR program regulations in other contexts. The EPA has placed a variety of materials regarding implementation options, and which will be the focus of the meetings, on the Website: *www.epa.gov/ttn/rto/ozonetech/o3imp8hr/o3imp8hr.htm.* Additional material will be placed on the website as they are developed. Anyone interested in attending the meetings should check the website for new material on a regular basis prior to the meetings.

The materials that are available on the website are also available at: Air and Radiation Docket and Information Center, Docket Number A–2001–31, U.S. EPA, 401 M Street, SW., Room M–1500 (Mail Code 6102), Washington, DC 20460. The docket is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

Dated: February 8, 2002.

Jeffrey S. Clark,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 02–3748 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

[2] The CAA requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 27, 90 and 95

[WT Docket No. 02–08; FCC 02–15]

Reallocation of the 216–220 MHz, 1390–1395 MHz, 1427–1429 MHz, 1429–1432 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz Government Transfer Bands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission proposes to establish new service rules for licensing a total of 27 megahertz of spectrum transferred from Government to non-Government use. The Commission seeks comment on the flexibility that should be afforded new or incumbent licensees, and the technical and other service rules that should govern the range of existing and proposed services. The comments will aid the Commission on how best to utilize these bands to provide valuable services to the public. Additionally, the Commission seeks comments on a petition for rulemaking filed on March 6, 2000, by Data Flow Systems, Inc., requesting amendment of the Commission's rules. The Commission also seeks comments on a proposal filed by Securicor Wireless Holdings, Inc.

DATES: Written comments on the proposed rule are due on or before March 4, 2002, and reply comments are due on or before March 18, 2002.

ADDRESSES: Parties who choose to file comments by paper must file an original and four copies to William F. Caton, Acting Secretary, Office of the Secretary, Federal Communications Commission, 445 12th St., SW., Room TW–A325, Washington, DC 20554. Comments may also be filed using the Commission's Electronic Filing System, which can be accessed via the Internet at www.fcc.gov/e-file/ecfs.html.

FOR FURTHER INFORMATION CONTACT: Zenji Nakazawa, Wireless Telecommunications Bureau, at (202) 418–0680, via e-mail at *znakazaw@fcc.gov*, via TTY (202) 418–7233 or Nese Guendelsberger, Wireless Telecommunications Bureau, Auctions and Industry Analysis Division, at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Notice of Proposed Rule Making, FCC 02–15, adopted on January 22, 2002, and released on February 06, 2002. The full text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554. The complete text with the summarized band plan chart may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: www.fcc.gov. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365.

1. In this Notice of Proposed Rulemaking (*NPRM*), we propose new service rules for licensing a total of 27 megahertz of spectrum from the 216–220 MHz, 1390–1395 MHz, 1427–1429 MHz, 1429–1432 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz bands. This spectrum was transferred from Government to non-Government use pursuant to the provisions of the Omnibus Budget Reconciliation Act of 1993 (OBRA–93) and the Balanced Budget Act of 1997 (BBA–97).

2. The service rules proposed in the *NPRM* include provisions for licensing, technical (and operating) rules, competitive bidding, and interference standards. We note that portions of this spectrum are currently available and utilized by existing non-Government licensees. We solicit public comment on the flexibility that should be afforded new or incumbent licensees, and the technical and other service rules that should govern the range of existing and proposed services. We also anticipate authorizing new primary services in the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz, 1670–1675 MHz, and 2385–2390 MHz bands.

3. We generally seek comment on the following issues under consideration for all of these bands:

- Whether to authorize new services under part 27 or part 101 of our rules;
- Whether to license new services by geographic service areas;
- Whether to license band managers in any of these bands;
- Whether to provide for partitioning and disaggregation of licensed spectrum; and

• Whether to adopt technical rules in order to prevent in-band and out-of-band interference.

4. We also address several issues relating to existing services currently operating in these bands. We seek comment on the following issues:

• Whether secondary telemetry in the 217–220 MHz and 1427–1429.5 MHz bands should be licensed on a site-by-site basis;

• Whether primary telemetry in the 1429.5–1432 MHz band should be licensed on a site-by-site basis;

• Whether to add technical specifications to Part 90 of our Rules for telemetry operations;

• Whether to apply the frequency coordination procedures of Section 90.175 to authorization of future secondary telemetry operations.

5. Additionally, we propose service rules to augment the framework established in the *Reallocation Report and Order,* 67 FR 6172, February 11, 2002, ET Docket 00–221, FCC 01–382, that requires non-Federal Government users to coordinate with co-primary Federal Government incumbents. In this regard, we seek comment on the following issues:

• Blanket coordination for LPRS;

• Coordination of site-by-site and geographic area licensees with Federal Government incumbents;

• Coordination procedures for licensees operating in the 1670–1675 MHz band near the METSAT station located at Greenbelt, MD.

6. With respect to non-Government incumbents who will remain in these bands, we seek comment on the following issues:

• Coordination procedures for licensees in the 2385–2390 MHz band operating near non-Government aeronautical flight test telemetry sites;

• Interim coordination procedures for terrestrial licensees along the Canadian and Mexican borders.

7. In accordance with section 309(j) of the Communications Act, if we adopt a licensing scheme under which mutually exclusive applications are accepted for filing, we must resolve such mutually exclusive applications by competitive bidding. We propose to conduct the auction of such licenses in conformity with the general competitive bidding rules set forth in part 1, subpart Q, of the Commission's rules. We also propose the use of bidding credits for small entities that participate in auctions of licenses in the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz, 1670–1675 MHz, and 2385–2390 MHz bands as well as the unpaired 1429.5–1432 MHz portion and seven geographic carved out areas for primary telemetry in the 1427–1429.5 MHz portion of the 1.4 GHz band.

8. Additionally, we seek comment on a petition for rulemaking filed on March 6, 2000, by Data Flow Systems, Inc., requesting that the Commission amend §§ 90.35 and 90.259 of the Commission's Rules to allow the use of fixed telemetry in the 216–220 MHz band. We also seek comment on a proposal filed by Securicor Wireless Holdings, Inc. (Securicor) in response to the *Reallocation Notice*, 66 FR 7443, January 23, 2001. Securicor seeks to license ''white-space'' in the 216–220 MHz band similar to the paradigm established for land mobile use of the 220–222 MHz band. Lastly, we request comment on a proposal submitted by Warren Havens (Havens) that seeks the creation of a new ''Advanced Technologies 220 MHz'' Service in the 216–225 MHz band.

9. In a companion proceeding in ET Docket 00–221, the Commission recently reallocated the spectrum that is the subject of this *NPRM*. In response to that rulemaking, various parties recommended proposals on how best to utilize these bands to provide valuable services to the public. Because we now consider service rules regarding this spectrum, we hereby incorporate by reference the record previously developed in that proceeding leading to the *Reallocation Report and Order*.

I. Procedural Matters

10. *Ex Parte Rules.* For purposes of this permit-but-disclose notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed under the Commission's rules.

11. *Pleading Dates.* Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before March 4, 2002, and reply comments on or before March 18, 2002. Comments and reply comments should be filed in WT Docket No. 02–08. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, interested parties must file an original and four copies of all comments, reply comments, and supporting comments. If interested parties want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Interested parties should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 Twelfth Street, SW., Washington, DC 20554, with a copy to Dana Davis, Wireless Telecommunications Bureau, Room 4–C216, 445 Twelfth Street, SW., Washington, DC 20554.

12. *Comments* may also be filed using the Commission's Electronic Comment Filing System (ECFS). Comments filed through the ECFS can be sent as an electronic file via the Internet to <*http://www.fcc.gov/e-file/ecfs.html*>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

13. Comments and reply comments will be available for public inspection during regular business hours at the FCC Reference Information Center, Room CY–A257, at the Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. Copies of comments and reply comments are available through 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.*

II. Initial Regulatory Flexibility Analysis for Notice of Proposed Rule Making

14. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the (*NPRM*), WT Docket No. 02–08. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *NPRM* as provided previously. The Commission will send a copy of the *NPRM*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Legal Basis for Proposed Rules

15. The proposed action is authorized under sections 1, 4(i), 302, 303(f) and (r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 1, 154(i), 302, 303(f) and (r), and 332.

B. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

16. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (i) Is independently owned and operated; (ii) is not dominant in its field of operation; and (iii) satisfies any additional criteria established by the Small Business Administration (SBA). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations. ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' As of 1992, there were approximately 85,006 governmental entities in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96%, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96%) are small entities.

17. With respect to the 1390–1395 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz bands, the Commission has not yet determined how many licenses will be awarded and does not know how many licensees will partition their license areas or disaggregate their spectrum blocks, if partitioning and disaggregation are allowed. Moreover, the Commission does not yet know how many applicants or licensees in these bands will be small entities. We therefore assume that, for purposes of our evaluations and conclusions in the IRFA, all prospective licensees are small entities, as that term is defined by the SBA or by our proposed small business definitions for these bands. We invite comment on this analysis.

18. Existing services in other bands include entities that might be affected by the proposed rules, either as existing licensees or potential applicants or licensees. Incumbent services in the 216–220 MHz band include the Automated Maritime Telecommunications Service (AMTS), the ''218–219 MHz'' Service, the Low Power Radio Service (LPRS) and telemetry. Incumbent services in the 1427–1429.5 MHz and 1429.5–1432 MHz bands include wireless medical telemetry (WMTS) and general telemetry.

19. *AMTS.* For future auctions in the AMTS, the Commission has proposed to define small businesses as those entities, together with their affiliates and controlling interests, with not more than $15 million in average gross revenues for the preceding three years, and very small businesses as those entities, together with their affiliates and controlling interests, with not more than $3 million in average gross revenues for the preceding three years. Currently, there are only three AMTS licensees, none of whom are small businesses. However, potential licensees in AMTS include all public coast stations, which are classified by the Small Business Administration as Radiotelephone Service Providers, Standard Industrial Classification Code 4812. The Commission does not yet know how many applicants or licensees in these bands will be small entities. We therefore assume that, for purposes of our evaluations and conclusions in the IRFA, all prospective licensees are small entities, as that term is defined by the SBA or by our proposed small business definitions for these bands.

20. *''218–219 MHz'' Service.* For the first auction of the ''218–219 MHz'' Service the Commission defined a small business as an entity, together with its affiliates, that has no more than a $6 million net worth and, after federal income taxes (excluding any carry over losses), has no more than $2 million in annual profits each year for the previous two years. For that auction, 170 entities won licenses for 594 Metropolitan Statistical Area (MSA) licenses. Of the 594 licenses, 557 were won by entities qualifying as a small business. Subsequently, the Commission changed the service rules and defined small businesses as those entities, together with their affiliates and controlling interests, with not more than $15 million in average gross revenues for the preceding three years, and very small businesses as those entities, together with their affiliates and controlling interests, with not more than $3 million in average gross revenues for the preceding three years. We cannot estimate, however, the number of licenses that will be won by entities qualifying as small businesses under our rules in future auctions of 218–219 MHz spectrum licenses. Given the success of small businesses in the first auction, we assume for purposes of this IRFA that in future auctions all of the licenses in the ''218–219 MHz'' Service may be awarded to small businesses.

21. *Low Power Radio Service.* The Low Power Radio Service permits licensees to use the 216–217 MHz segment for auditory assistance, medical devices, and law enforcement tracking devices. Users are likely to be theaters, auditoriums, churches, schools, banks, hospitals, and medical care facilities. The primary manufacturer of auditory assistance estimates that it has sold 25,000 pieces of auditory assistance equipment. Many if not most LPRS users are likely to be small businesses or individuals. However, because the LPRS is licensed by rule, with no requirement for individual license applications or documents, the Commission is unable to estimate how many small businesses make use of LPRS equipment.

22. *Telemetry.* Incumbent telemetry operators in the 216–220 MHz band include entities such as Fairfield Industries, Inc. which perform geophysical exploration for underground oil and natural gas reserves. Incumbent non-medical telemetry operators in the 1427–1429.5 MHz and 1429.5–1432 MHz bands include Itron, Inc., Pueblo Service Company of Colorado and E Prime, Inc., and large manufacturers such as Deere and Company, Caterpillar, and General Dynamics. None of these licensees are likely to be small businesses. Itron, Inc. is the primary user of the 1427–1429.5 MHz and 1429.5–1432 MHz bands. Itron, Inc., with an investment of $100 million in equipment development, is not likely to be a small business. One licensee, Zytex, a manufacturer of high-speed telemetry systems, may be a small business. The Commission does not yet know how many applicants or licensees in these bands will be small entities. We therefore assume that, for purposes of our evaluations and conclusions in the IRFA, all prospective licensees are small entities.

23. *WMTS.* Users of medical telemetry are hospitals and medical care facilities, some of which are likely to be small businesses. According to the SBA's regulations, hospitals and nursing

homes must have annual gross receipts of $5 million or less in order to qualify as a small business concern. There are approximately 11,471 nursing care firms in the nation, of which 7,953 have annual gross receipts of $5 million or less. There are approximately 3,856 hospital firms in the nation, of which 294 have gross receipts of $5 million or less. Thus, the approximate number of small confined setting entities to which the Commission's new rules will apply is 8,247.

C. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

24. Applicants for licenses to provide terrestrial fixed and mobile services in the paired 1392–1395 MHz and 1432–1435 MHz bands, the unpaired 1390–1392 MHz band, the unpaired 1670–1675 MHz band, and the unpaired 2385–2390 MHz band will be required to submit short-form auction applications using FCC Form 175. In addition, winning bidders must submit long-form license applications through the Universal Licensing System using FCC Form 601, and other appropriate forms. Licensees will also be required to apply for an individual station license by filing FCC Form 601 for those individual stations that (i) require submission of an Environmental Assessment under Section 1.1307 of our Rules; (ii) require international coordination; (iii) would operate in the quiet zones listed in Section 1.924 of our Rules; or (iv) require coordination with the Frequency Assignment Subcommittee (FAS) of the Interdepartment Radio Advisory Committee (IRAC). We invite comment on how these filing requirements can be modified to reduce the burden on small entities.

D. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

25. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (ii) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (iii) the use of performance, rather than design standards; and (iv) an exemption from coverage of the rule, or any part thereof, for small entities.

26. We have reduced burdens wherever possible. To minimize any negative impact, however, we propose certain incentives for small entities that will redound to their benefit. These special provisions include partitioning and spectrum disaggregation. These provisions will allow smaller entities to overcome entry barriers. In addition, we seek comment on whether it would be appropriate to license the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz, 1670–1675 MHz and 2385–2390 MHz bands for fixed and mobile services using smaller geographical licensing areas. The use of smaller licensing areas could benefit small entities by reducing costs and build-out expenses.

27. We also propose the use of bidding credits for small entities that participate in auctions of licenses that are conducted pursuant to the rules proposed in this Notice. Thus, for the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz, 1670–1675 MHz, and 2385–2390 MHz bands, we propose to define an ''entrepreneur'' as an entity with average annual gross revenues not exceeding $40 million for the three preceding years and we propose to define a ''small business'' as an entity with average annual gross revenues not exceeding $15 million for the three preceding years. With respect to the 1427–1432 MHz band, in which we believe that the capital costs of providing primary telemetry service will in general be lower than the capital costs for the bands discussed above, we propose to define a ''small business'' as an entity with average annual gross revenues not exceeding $15 million for the three preceding years and a ''very small business'' as an entity with average annual gross revenues not exceeding $3 million for the three preceding years. We further propose to provide entrepreneurs with a bidding credit of 15 percent, small businesses with a bidding credit of 25 percent, and very small businesses with a bidding credit of 35 percent. We believe that these bidding credits will help small entities compete in our auctions and acquire licenses. We seek comment on our proposed small business definitions and bidding credits, including information on factors that may affect the capital requirements of the type of services a licensee may seek to provide.

28. The regulatory burdens we have retained, such as filing applications on appropriate forms, are necessary in order to ensure that the public receives the benefits of innovative new services in a prompt and efficient manner. We will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities. We seek comment on significant alternatives commenters believe we should adopt.

E. Report to Small Business Administration

29. The Commission will send a copy of this Notice of Proposed Rulemaking, including a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

30. None.

III. Ordering Clauses

31. Pursuant to sections 1, 4(i), 302, 303(f) and (r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 1, 154(i), 302, 303(f) and (r), and 332, *Notice is hereby given* of the proposed regulatory changes described in this *Notice of proposed rulemaking,* and that comment is sought on these proposals.

32. Pending applications to use the frequencies listed in § 90.259 of the Commission's Rules, 47 CFR 90.259, *Will be processed* provided that (i) they are not mutually exclusive with other applications as of February 6, 2002, nor with respect to the frequencies listed in Section 90.259, part of a proposed system that does not meet the requirements of our rules, without reference to any applications that are mutually exclusive with other applications as of February 6, 2002, and (ii) the relevant period for filing competing applications has expired as of that date. Pending applications to use those frequencies not meeting the above criteria *Will be held in abeyance* until the conclusion of this proceeding. We will determine later, in accordance with such new rules as are adopted, whether to process or return any such pending applications.

33. The Commission's Consumer Information Bureau, Reference Information Center, *Shall send* a copy of this *Notice of proposed rulemaking* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 1

Administrative, practice and procedure, Radio.

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 27

Communications common carriers, Radio.

47 CFR Part 90

Communications equipment, Radio, Reporting, recordkeeping requirements.

47 CFR Part 95

Communications equipment, Radio, Reporting, recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

For the reasons discussed in the preamble the Federal Communications Commission proposes to amend 47 CFR parts 1, 2, 27, 90 and 95 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e), unless otherwise noted.

2. Section 1.924(g)(1), (g)(2) and (g)(3) is revised to read as follows:

§ 1.924 Quiet zones.

* * * * *

(g) * * *

(1) Applicants and licensees planning to construct and operate a new or modified station within the area bounded by a circle with a radius of 100 kilometers (62.1 miles) that is centered on 37°56′47″ N, 75°27′37″ W (Wallops Island) or 64°58′36″ N, 147°31′03″ W (Fairbanks) or within the area bounded by a circle with a radius of 65 kilometers (40.4 miles) that is centered on 39°00′02″ N, 76°50′31″ W (Greenbelt) must notify the National Oceanic and Atmospheric Administration (NOAA) of the proposed operation. For this purpose, NOAA maintains the GOES coordination web page at *http://www.osd.noaa.gov/radio/frequency.htm*, which provides the technical parameters of the earth stations and the point-of-contact for the notification. The notification shall include the following information: Requested frequency, geographical coordinates of the antenna location, antenna height above mean sea level, antenna directivity, emission type, equivalent isotropically radiated power, antenna make and model, and transmitter make and model.

(2) When an application for authority to operate a station is filed with the FCC, the notification required in paragraph (g)(1) of this section should be sent at the same time. The application must state the date that notification in accordance with paragraph (g)(1) of this section was made. After receipt of such an application, the FCC will allow a period of 20 days for comments or objections in response to the notification.

(3) If an objection is received during the 20-day period from NOAA, the FCC will, after consideration of the record, take whatever action is deemed appropriate.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

3. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336 unless otherwise noted.

4. Section 2.106 is amended by revising footnotes US350 and US362 to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

United States (US) Footnotes

* * * * *

US350 In the bands 608–614 MHz and 1395–1400 MHz the Government and non-Government land mobile service is limited to medical telemetry and medical telecommand operations. Availability and use of medical telemetry and telecommand and non-medical telemetry and telecommand in the bands 1427–1429.5 MHz and 1429.5–1432 MHz are described in the following table:

Location (see §§ 90.259 and 95.630 of this chapter for a detailed description)	1427–1429.5 MHz	1429.5–1432 MHz
Austin/Georgetown, Texas; Battle Creek, Michigan; Detroit, Michigan; Pittsburgh, Pennsylvania; Richmond/Norfolk, Virginia; Spokane, Washington; Washington, DC, metropolitan area.	Non-Governement land mobile service is limited to telemetry and telecommand operations. Government and non-Government land mobile service is limited to medical telemetry and telecommand operations on a secondary basis.	Government and non-Government land mobile service is limited to medical telemetry and telecommand operations. Non-Government telemetry and telecommand use is permitted on a secondary basis.
Rest of U.S.	Government and non-Government land mobile service is limited to medical telemetry and telecommand operations. Non-Government telemetry and telecommand use is permitted on a secondary basis.	Non-Government land mobile service is limited to telemetry and telecommand operations.

* * * * *

US362 The band 1670–1675 MHz is allocated to the meteorological-satellite service (space-to-Earth) on a primary basis for Government use. Earth station use of this allocation is limited to Wallops Island, VA (37°56′47″ N, 75°27′37″ W), Fairbanks, AK (64°58′36″ N, 147°31′03″ W), and Greenbelt, MD (39°00′02″ N, 76°50′31″ W). Applicants for non-Government stations within 100 kilometers of the Wallops Island or Fairbanks coordinates and within 65 kilometers of the Greenbelt coordinates shall notify NOAA in accordance with the procedures specified in 47 CFR 1.924.

* * * * *

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

5. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

6. Section 27.4 is amended by adding the following definition in alphabetical order to read as follows:

§ 27.4 Terms and definitions.

* * * * *

Band Manager. The term *Band Manager* refers to a licensee in the 1390–1392 MHz, 1392–1395 MHz, 1432–1435 MHz, 1670–1675 MHz and 2385–2390 MHz bands that functions solely as a spectrum broker by subdividing its licensed spectrum and making it available to system operators or directly to end users for fixed or

mobile communications consistent with Commission Rules. A *Band Manager* is directly responsible for any interference or misuse of its licensed frequency arising from its use by such non-licensed entities.

* * * * *

7. Add Subpart I to part 27 to read as follows:

Subpart I—1.4 GHz Service

Sec.
27.801 Scope.
27.802 Permissible communications.
27.803 Coordination requirements.
27.804 Geographic partitioning and spectrum disaggregation.
27.805 1.4 THz Service licenses subject to competitive bidding.
27.806 Designated entities.

§ 27.801 Scope.

This subpart sets out the regulations governing service in the paired 1392–1395 MHz and 1430–1432 MHz bands as well as the unpaired 1390–1392 MHz band (1.4 GHz Service).

§ 27.802 Permissible communications.

Licensees in the paired 1392–1395 MHz and 1430–1432 MHz bands and unpaired 1390–1392 MHz band are authorized to provide fixed or mobile service, except aeronautical service, subject to the technical requirements of this subpart.

§ 27.803 Coordination requirements.

(a) Licensees in the 1.4 GHz Service will be issued geographic area licenses.

(b) Licensees in the 1.4 GHz Service must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under Part 1, § 1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed in Part 1, § 1.924 of this chapter; or

(4) That requires approval of the Frequency Advisory Subcommittee (FAS) of the Interdepartment Radio Advisory Committee (IRAC). Stations that require FAS approval are as follows:

(i) Licensees in the 1390–1392 MHz and 1392–1395 MHz band must receive FAS approval prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government sites listed in footnote US351 of § 2.106.

(ii) Licensees in the 1432–1435 MHz band must receive FAS approval, prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government sites listed in footnote US361 of § 2.106 of this chapter.

(c) Prior to construction of a station, a 1.4 GHz licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(d) It is the licensee's responsibility to determine whether an individual station needs referral to the Commission.

(e) The notification required in paragraph (b) of this section must be filed on the Universal Licensing System.

§ 27.804 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 1.4 GHz licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 1.4 GHz licensee and is subject to the obligations and restrictions on the 1.4 GHz license as set forth in this subpart.

§ 27.805 1.4 GHz Service licenses subject to competitive bidding.

Mutually exclusive initial applications for 1.4 GHz Service licenses in the paired 1392–1395 MHz and 1430–1432 MHz bands as well as the unpaired 1390–1392 MHz and 1429.5–1432 MHz bands are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 27.806 Designated entities.

(a) Eligibility for small business provisions for 1.4 GHz Service licenses in the paired 1392–1395 MHz and 1430–1432 MHz bands and the unpaired 1390–1392 MHz band.

(1) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $15 million for the preceding three years.

(2) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $40 million for the preceding three years.

(3) A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(1) of this section. A consortium of entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(2) of this section.

(4) For purposes of determining whether an entity meets any of the definitions set forth in paragraphs (a)(1), (a)(2), or (a)(3) of this section, the gross revenues of the entity, its controlling interests and affiliates shall be considered in the manner set forth in § 1.2110(b) and (c) of this chapter.

(b) A winning bidder that qualifies as a very small business or a consortium of very small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(i) of this chapter. A winning bidder that qualifies as a small business or a consortium of small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

8. Add subpart J to part 27 to read as follows:

Subpart J—1670–1675 MHz Service

Sec.
27.901 Scope.
27.902 Permissible communications
27.903 Coordination requirements.
27.904 Geographic partitioning and spectrum disaggregation.
27.905 1670–1675 MHz Service licenses subject to competitive bidding.
27.906 Designated entities.

§ 27.901 Scope.

This subpart sets out the regulations governing service in the 1670–1675 MHz band (1670–1675 MHz Service).

§ 27.902 Permissible communications.

Licensees in the 1670–1675 MHz Service are authorized to provide fixed or mobile service, except aeronautical mobile service, subject to the technical requirements of this subpart.

§ 27.903 Coordination requirements.

(a) Licensees in the 1670–1675 MHz Service will be issued geographic area licenses.

(b) Licensees in the 1670–1675 MHz Service must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under part 1, § 1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed under part 1, § 1.924 of this chapter.

(c) The notification required in paragraph (b) of this section must be filed on the Universal Licensing System.

(d) Prior to construction of a station, a licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(e) It is the licensee's responsibility to determine whether an individual station requires referral to the Commission.

§ 27.904 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 1670–1675 MHz licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 1670–1675 MHz licensee and is subject to the obligations and restrictions on the 1670–1675 MHz license as set forth in this subpart.

§ 27.905 1670–1675 MHz Service licenses subject to competitive bidding.

Mutually exclusive initial applications for 1670–1675 MHz Service licenses are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 27.906 Designated entities.

(a) Eligibility for small business provisions.

(1) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $15 million for the preceding three years.

(2) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $40 million for the preceding three years.

(3) A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(1) of this section. A consortium of entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(2) of this section.

(4) For purposes of determining whether an entity meets any of the definitions set forth in paragraphs (a)(1), (a)(2), or (a)(3) of this section, the gross revenues of the entity, its controlling interests and affiliates shall be considered in the manner set forth in § 1.2110(b) and (c) of this chapter.

(b) A winning bidder that qualifies as a small business or a consortium of small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

9. Add a Subpart K to part 27 to read as follows

Subpart K—2385–2390 MHz Service

Sec.

27.1001 Scope.
27.1002 Permissible communications
27.1003 Coordination requirements
27.1004 Geographic partitioning and spectrum disaggregation
27.1005–23852390 MHz Service licenses subject to competitive bidding.
27.1006 Designated entities.

§ 27.1001 Scope.

This subpart sets out the regulations governing service in the 2385–2390 MHz band (2385–2390 MHz Service).

§ 27.1002 Permissible communications.

Licensees in the 2385–2390 MHz Service are authorized to provide fixed or mobile service subject to the technical requirements of this subpart.

§ 27.1003 Coordination requirements.

(a) Licensees in the 2385–2390 MHz Service will be issued geographic area licenses.

(b) Licensees in the 2385–2390 MHz Service must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under part 1, § 1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed in part 1, § 1.924 of this chapter;

(4) That requires approval of the Frequency Advisory Subcommittee (FAS) of the Interdepartment Radio Advisory Committee (IRAC). Licensees in the 2385–2390 MHz Service must receive FAS approval prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government aeronautical telemetry sites listed in footnote US363 of § 2.106 of this chapter.

(5) That would require approval of the Aeronautical Flight Test Radio Coordinating Council (AFTRCC). Licensees in the 2385–2390 MHz Service must receive AFTRCC approval prior to operation of fixed sites or mobile units within the AFTRCC recommended protection radii of the non-Government flight test operations listed in footnote US363 of § 2.106 of this chapter.

(c) Prior to construction of a station, the 2385–2390 MHz licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(d) It is the licensee's responsibility to determine whether a referral to the Commission is needed for any individual station constructed.

(e) The notification required in paragraph (b) of this section must be filed on the Universal Licensing System.

§ 27.1004 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 2390–2385 MHz licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 2385–2390 MHz licensee and is subject to the obligations and restrictions on the 2385–2390 MHz license as set forth in this subpart.

§ 27.1005 2385–2390 MHz Service licenses subject to competitive bidding.

Mutually exclusive initial applications for 2385–2390 MHz Service licenses are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 27.1006 Designated entities.

(a) Eligibility for small business provisions.

(1) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $15 million for the preceding three years.

(2) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $40 million for the preceding three years.

(3) A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(1) of this section. A consortium of entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(2) of this section.

(4) For purposes of determining whether an entity meets any of the definitions set forth in paragraphs (a)(1), (a)(2), or (a)(3) of this section, the gross revenues of the entity, its controlling interests and affiliates shall be considered in the manner set forth in § 1.2110(b) and (c) of this chapter.

(b) A winning bidder that qualifies as a small business or a consortium of small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

10. Add Subpart L to part 27 to read as follows

Subpart L—Band Managers

Sec.
27.1101 Scope.
27.1102 Permissible communications.
27.1103 Band Manager authority.
27.1104 Band Manager agreements.
27.1105 Access to the Band Manager's spectrum.
27.1106 Band Manager licenses subject to competitive bidding.
27.1107 Designated entities.

§ 27.1101 Scope.

This subpart sets out the regulations governing Band Managers in the paired 1392–1395 MHz and 1432–1435 MHz bands and unpaired 1390–1392 MHz, 1670–1675 MHz and 2385–2390 MHz bands.

§ 27.1102 Permissible communications.

Band Managers are authorized to allow a spectrum user to provide fixed or mobile service subject to the technical requirements of this subpart.

§ 27.1103 Band Manager authority.

(a) A Band Manager may allow a spectrum user, pursuant to a written agreement, to construct and operate stations at any available site within the licensed area and on any channel for which the Band Manager is licensed, provided such stations comply with Commission Rules and coordination requirements.

(b) A Band Manager may allow a spectrum user, pursuant to a written agreement, to delete, move or change the operating parameters of any of the user's stations that are covered under the Band Manager's license without prior Commission approval, provided such stations comply with Commission Rules and coordination requirements.

§ 27.1104 Band Manager agreements.

Band Managers are required to enter into written agreements regarding the use of their licensed spectrum by others, subject to the following conditions:

(a) The duration of spectrum user agreements may not extend beyond the term of the Band Manager's FCC license.

(b) The spectrum user agreement must specify in detail the operating parameters of the spectrum user's system, including power, maximum antenna heights, frequencies of operation, base station location(s), area(s) of operation.

(c) The spectrum user agreement must require the spectrum user to use Commission-approved equipment where appropriate and to complete post-construction proofs of system performance prior to system activation.

(d) The spectrum user must agree to operate its system in compliance with all technical specifications for the system contained in the agreement and agree to cooperate fully with any investigation or inquiry conducted by either the Commission or the Band Manager.

(e) The spectrum user must agree to comply with all applicable Commission rules, and the spectrum user must accept Commission oversight and enforcement.

(f) The spectrum user agreement must stipulate that if the Band Manager determines that there is an ongoing violation of the Commission's rules or that the spectrum user's system is causing harmful interference, the Band Manager shall have the right to suspend or terminate operation of the spectrum user's system. The spectrum user agreement must stipulate that if the spectrum user refuses to comply with a suspension or termination order, the Band Manager will be free to use all legal means necessary to enforce the order.

(g) The spectrum user agreement may not impose unduly restrictive requirements on use of the licensed frequencies, including any requirement that is not reasonably related to the efficient management of the spectrum licensed to the Band Manager.

(h) Band Managers shall maintain their written agreements with spectrum users at their principal place of business, and retain such records for at least two years after the date such agreements expire. Such records shall be kept current and be made available upon request for inspection by the Commission or its representatives.

§ 27.1105 Access to the Band Manager's spectrum.

(a) A Band Manager may not engage in unjust or unreasonable discrimination among spectrum users and may not unreasonably deny prospective spectrum users access to the Band Manager's licensed spectrum.

(b) A Band Manager may not impose unduly restrictive requirements on use of its licensed frequencies, including any requirement that is not reasonably related to the efficient management of the spectrum licensed to the Band Manager.

§ 27.1106 Band Manager licenses subject to competitive bidding.

Mutually exclusive initial applications for Band Manager licenses in the paired 1392–1395 MHz and 1432–1435 MHz bands and unpaired 1390–1392 MHz, 1670–1675 MHz and 2385–2390 MHz bands are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 27.1107 Designated entities.

(a) Eligibility for small business provisions for Band Manager licenses in the paired 1392–1395 MHz and 1432–1435 MHz bands and unpaired 1390–1392 MHz, 1670–1675 MHz and 2385–2390 MHz bands.

(1) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $15 million for the preceding three years.

(2) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $40 million for the preceding three years.

(3) A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(1) of this section. A consortium of entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(2) of this section.

(4) For purposes of determining whether an entity meets any of the definitions set forth in paragraphs (a)(1), (a)(2), or (a)(3) of this section, the gross revenues of the entity, its controlling interests and affiliates shall be considered in the manner set forth in § 1.2110(b) and (c) of this chapter.

(b) A winning bidder that qualifies as a very small business or a consortium of very small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(i) of this chapter. A winning bidder that qualifies as a small business or a consortium of

small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

PART 90—PRIVATE LAND MOBILE RADIO SERVICE

11. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 302(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

12. Section 90.175 is amended by revising paragraph (i)(13) to read as follows:

§ 90.175 Frequency coordination requirements.

* * * * *

(i) * * *

(13) Applications for frequencies in the 1429.5–1432 MHz band.

* * * * *

13. Section 90.259 is amended by designating the undesignated paragraph as paragraph (a) and by adding paragraph (b) to read as follows:

§ 90.259 Assignment and use of frequencies in the bands 216–220 MHz and 1427–1432 MHz.

* * * * *

(b) *1427–1432 MHz band.* (1) Frequencies in the 1427–1432 MHz band may be assigned to applicants that establish eligibility in the Public Safety Pool or the Industrial/Business Pool.

(2) All operations in the 1427–1429.5 MHz band are secondary in status except in the locations specified in paragraph (b)(4) of this section where operations are primary in status.

(3) All operations in the 1429.5–1432 MHz are primary in status except in the locations specified in paragraph (b)(4) of this section where operations are secondary in status.

(4) *Locations.* (i) Pittsburgh, Pennsylvania—Westmoreland, Washington, Beaver, Allegheny and Butler counties;

(ii) Washington, DC metropolitan area—Montgomery, Prince William, Fairfax, Prince George's and Charles counties, Alexandria City, District of Columbia;

(iii) Richmond/Norfolk, Virginia—Goochland, Powhatan, Hanover, Henrico counties, Richmond City, Hampton City, Virginia Beach City, Chesapeake City, Portsmouth City and Suffolk City;

(iv) Austin/Georgetown, Texas—Williamson and Travis counties;

(v) Battle Creek, Michigan—Calhoun county

(vi) Detroit, Michigan—Oakland county

(vii) Spokane, Washington—Spokane county.

PART 95—PERSONAL RADIO SERVICES

14. The authority citation for part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

15. Section 95.630 is revised to read as follows:

§ 95.630 WMTS transmitter frequencies.

(a) WMTS transmitters may operate in the frequency bands specified below:

(1) 608–614 MHz

(2) 1395–1400 MHz

(3) 1427–1429.5 MHz

(4) 1429.5–1432 MHz

(b) All operations in the 1427–1429.5 MHz band are primary in status except in the locations specified in paragraph (c) of this section where operations are secondary in status.

(c) *Locations.* (1) Pittsburgh, Pennsylvania—Westmoreland, Washington, Beaver, Allegheny and Butler counties;

(2) Washington, DC metropolitan area—Montgomery, Prince William, Fairfax, Prince George's and Charles counties, Alexandria City, District of Columbia;

(3) Richmond/Norfolk, Virginia—Goochland, Powhatan, Hanover, Henrico counties, Richmond City, Hampton City, Virginia Beach City, Chesapeake City, Portsmouth City and Suffolk City;

(4) Austin/Georgetown, Texas—Williamson and Travis counties;

(5) Battle Creek, Michigan—Calhoun county

(6) Detroit, Michigan—Oakland county

(7) Spokane, Washington—Spokane county.

16. Section 95.639(g) is revised to read as follows:

§ 95.639 Maximum transmitter power.

* * * * *

(g) The maximum field strength authorized for WMTS stations in the 608–614 MHz band is 200 mV/m, measured at 3 meters. For stations in the 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz bands, the maximum field strength is 740 mV/m, measured at 3 meters.

* * * * *

17. Section 95.1101 is revised to read as follows:

§ 95.1101 Scope.

This part sets out the regulations governing the operation of Wireless Medical Telemetry Devices in the 608–614 MHz, 1395–1400 MHz, 1427–1429.5 MHz and 1429.5–1432 MHz frequency bands.

18. Section 95.1103(c) is revised to read as follows:

§ 95.1103 Definitions.

* * * * *

(c) *Wireless medical telemetry.* The measurement and recording of physiological parameters and other patient-related information via radiated bi- or unidirectional electromagnetic signals in the 608–614 MHz, 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz frequency bands.

19. Sections 95.1115(a)(2) and (d)(1) are revised to read as follows:

§ 95.1115 General technical requirements.

(a) * * *

(2) In the 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz bands, the maximum allowable field strength is 740 mV/m, as measured at a distance of 3 meters, using measuring equipment with an averaging detector and a 1 MHz measurement bandwidth.

* * * * *

(d) *Channel use.* (1) In the 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz bands, no specific channels are specified. Wireless medical telemetry devices may operate on any channel within the bands authorized for wireless medical telemetry use in this part.

* * * * *

20. Section 95.1121 is revised to read as follows:

§ 95.1121 Specific requirements for wireless medical telemetry devices operating in the 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz bands.

Due to the critical nature of communications transmitted under this part, the frequency coordinator in consultation with the National Telecommunications and Information Administration shall determine whether there are any Federal Government systems whose operations could affect, or could be affected by, proposed wireless medical telemetry operations in the 1395–1400 MHz 1427–1429.5 MHz, and 1429.5–1432 MHz bands. The locations of government systems in these bands are specified in footnotes US351 and US352 of § 2.106 of this chapter.

[FR Doc. 02–3799 Filed 2–14–02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 17 and 222

[I.D. 120301B]

Notice of Public Scoping and Preparation of an Environmental Review Document for a Proposed Incidental Take Permit and Habitat Conservation Plan Addressing Chewuch River Water Withdrawal and Diversion

AGENCIES: Fish and Wildlife Service, Interior; National Marine Fisheries Service, Commerce.

ACTION: Notice of intent to conduct public scoping and to prepare an environmental document.

SUMMARY: Pursuant to the National Environmental Policy Act this document advises the public that the Fish and Wildlife Service and National Marine Fisheries Service (Services) intend to gather information necessary to prepare an environmental review document (environmental assessment or environmental impact statement) related to the proposed approval of a Habitat Conservation Plan (Plan) and an issuance of an incidental take permit (Permit) to take endangered and threatened species in accordance with the Endangered Species Act of 1973, as amended (ESA). The Permit applicant is Chewuch Basin Council (CBC).

The Services are furnishing this document in order to advise other agencies and the public of our intentions and to obtain suggestions and information on the scope of issues to include in the environmental document.

DATES: Written comments from all interested parties must be received on or before March 18, 2002.

ADDRESSES: Comments and requests for information should be sent to Jon Hale, Chewuch Scoping Comments, U.S. Fish and Wildlife Service, 510 Desmond Drive, S.E., Suite 102, Lacey, WA 98503–1273, telephone (360) 753–4371, facsimile (360) 753–9518. Comments and materials received will be available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jodi Bush, Project Manager, U.S. Fish and Wildlife Service, (509) 665–3507; or Mike Grady, Project Manager, National Marine Fisheries Service, (206) 526–4645.

SUPPLEMENTARY INFORMATION: The CBC is comprised of the three primary irrigation companies operating in the Chewuch River Basin, including the Chewuch Canal Company, the Fulton Ditch Company, and the Skyline Ditch Company. The application is related to water withdrawals from the Chewuch River located in Okanogan County, WA. The applicant intends to request Permits for chinook salmon, steelhead trout, and bull trout. The CBC may also seek coverage for cutthroat trout and other currently unlisted fish and wildlife species under specific provisions of the Permit, should these species be listed in the future. In accordance with the ESA, the CBC will prepare a Plan for, among other things, minimizing and mitigating any such take that could occur incidental to the proposed Permit activities (water diversion and distribution activities within the irrigation reach).

Section 9 of the ESA and Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The term ''take'' is defined under the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct. The U.S. Fish and Wildlife Service's definition of harm includes significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). The National Marine Fisheries Service's definition of harm includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, feeding, and sheltering (50 CFR 222.102).

The Services may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. U.S. Fish and Wildlife Service regulations governing permits for endangered species are promulgated in 50 CFR 17.22; and regulations governing permits for threatened species are promulgated in 50 CFR 17.32. National Marine Fisheries Service regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Background

The CBC is composed of the Chewuch Canal Company, the Fulton Ditch Company, and the Skyline Ditch Company. These companies own and operate independent diversion structures, fish screens, irrigation ditches, pipes, canals, reservoirs, and related structures located on and adjacent to the Chewuch River in the vicinity to Winthrop, WA. Water from these water diversions is made available to individual shareholders for irrigation of agricultural, residential, and commercial properties and for stock use.

Section 10 of the ESA contains provisions for the issuance of incidental take permits to non-Federal landowners for the take of endangered and threatened species, provided the take is incidental to otherwise lawful activities and will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. In addition, the applicant must prepare and submit to the Services for approval a Plan containing a strategy for minimizing and mitigating all take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for the Plan will be provided.

The CBC has initiated discussions with the Services regarding the possibility of developing a Plan and securing a Permit for their Chewuch River water diversion and distribution operations. Activities proposed for coverage under the Permit include the following:

(1) Water diversions, conveyance, storage, and shared or commingled drought storage.

(2) Conservation and mitigation actions including: (a) reduction of diversions during low-flow periods, (b) conveyance and on-farm water use efficiency measures, (c) seasonal use of groundwater resources, (d) habitat reclamation and enhancement projects, and (e) expansion and use of water storage facilities.

(3) Periodic operational and maintenance activities including: (a) repair and maintenance of diversion headgates, fish passage structures, diversion dams, and other in-stream improvements; (b) maintenance and improvements in side, return, and tailwater channels and storage facilities; (c) activities set forth in ditch operating plans; and (d) plans for various activities developed as part of an ongoing monitoring and adaptive management approach to watershed management.

The Services will conduct an environmental review of the Plan and prepare an environmental document. The environmental review will analyze the proposal, as well as a full range of reasonable alternatives and the

associated impacts of each. The Services are currently in the process of developing alternatives for analysis. Should information become available which indicates the likelihood of significant impacts from the proposed project, an Environmental Impact Statement will be prepared. Otherwise an Environmental Assessment will be prepared.

Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to this proposed action and to all significant issues are identified. Comments or questions concerning this proposed action and the environmental review should be directed to the Fish and Wildlife Service or to National Marine Fisheries Service at the address or telephone numbers provided above.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), National Environmental Policy Act Regulations (40 CFR parts 15001–508), other appropriate Federal laws and regulations, and policies and procedures of the Services for compliance with those regulations.

Dated: December 6, 2001.

Rowan W. Gould,

Deputy Regional Director, Fish and Wildlife Service, Region 1, Portland, OR.

February 11, 2002.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–3815 Filed 2–14–02; 8:45 am]

BILLING CODES 3510–22–S, 4310–55–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012902A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Public Hearings/Scoping Meetings

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

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

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) intends to prepare a DSEIS to assess the impacts on the natural and human environments of the proposed measures in the Draft Secretarial Amendment to the Reef Fish Fishery Management Plan (Draft red grouper Amendment) which is being prepared by the Council and NMFS. The Draft red grouper Amendment would establish a rebuilding plan for red grouper in the Gulf of Mexico. The Council will convene public hearings to receive comments on the proposed measures of the Draft red grouper Amendment and to serve as scoping hearings to solicit public comments on the scope of issues to be addressed in the DSEIS. In conjunction with each public hearing on the Draft red grouper Amendment, a scoping meeting will also be held to obtain comments on whether the Council should begin to develop a regulatory amendment under the Coastal Migratory Pelagics Fishery Management Plan to address prohibitions on the use of pelagic longlines to harvest dolphin (fish) in the Gulf of Mexico. This scoping meeting is being held by the Council under its internal scoping process to receive public comments on whether development of a management action should proceed.

DATES: The public hearings/scoping meetings will be held in February. See **SUPPLEMENTARY INFORMATION** for specific dates and times of the public hearings.

ADDRESSES: Written comments should be sent to, and copies of the Draft red grouper Amendment and options for the CMP scoping meetings are available from, the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, FL 33619, telephone: (813) 228–2815. Public Hearings will be held in Florida, Mississippi, Louisiana, and Texas. See **SUPPLEMENTARY INFORMATION** for specific hearing locations.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION: The public hearings will be convened to receive comments on the Draft red grouper Amendment, which would establish a rebuilding plan for red grouper in the Gulf of Mexico, and to serve as scoping hearings to solicit public comments on the scope of issues to be addressed in the DSEIS. Red grouper were declared to be overfished and undergoing overfishing by the Acting Southeast Regional Administrator for the National Marine Fisheries Service in October 2000. The Council originally began developing a red grouper rebuilding plan as part of Draft Reef Fish Amendment 18, which addressed a number of other reef fish issues. However, due to delays in the development of Draft Reef Fish Amendment 18, the Council chose to separate out the red grouper rebuilding plan and proceed with it through a separate action.

At each scoping hearing on the Draft red grouper Amendment, the Council will solicit public comments on the scope of issues to be addressed in the DSEIS. A scoping meeting under the Council's internal policy will also be held to obtain comments on whether the Council should begin to develop a regulatory amendment under the Coastal Migratory Pelagics (CMP) Fishery Management Plan to address prohibitions on the use of pelagic longlines to harvest dolphin (fish) in the Gulf of Mexico.

The Draft red grouper Amendment proposal contains alternatives for determining the sustainable fishing parameters on which a rebuilding plan is based. These include maximum sustainable yield (MSY), the fishing mortality rate that produces MSY (F_{MSY}), the biomass or biomass proxy that supports MSY (B_{MSY}), the minimum stock size threshold below which a stock is considered to be overfished, the maximum fishing mortality threshold above which a stock is considered to be undergoing overfishing, and optimum yield. The Draft red grouper Amendment also contains alternatives for selecting a rebuilding strategy and rebuilding scenarios (combinations of management measures) to achieve rebuilding. In addition to the pre-constructed scenarios, the Draft red grouper Amendment contains individual alternatives to adjust the shallow-water grouper quota, implement or adjust closed seasons, implement commercial trip limits, adjust recreational bag limits, establish closed areas, move the longline/buoy gear boundary, and phase out the use of longlines and buoy gear for reef fish fishing.

The public hearings/scoping meetings will meet from 6:30 p.m. to 10 p.m. at the following locations and dates.

1. *Monday, February 18, 2002*: Edison Community College, Lee County Campus, Corbin Auditorium, Building J–103, 8099 College Parkway, Fort Myers, FL 33919, telephone: 941–489–9300. Use Shoreline Blvd entrance. Park in 1st lot on right [Lot 8]. For Map

directions see: http://www.edison.edu/aboutecc/lee—campus.htm;

2. *Tuesday, February 19, 2002*: Tampa Airport Hilton, 2225 Lois Avenue, Tampa, FL 33607, telephone: 813–877–6688;

3. *Tuesday, February 19, 2002*: Mississippi Department of Marine Resources, 1141 Bayview Drive, Biloxi, MS 39530, telephone: 228–374–5000;

4. *Wednesday, February 20, 2002*: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL 34429, telephone: 352–795–4211;

5. *Wednesday, February 20, 2002*: New Orleans Airport Hilton, 901 Airline Drive, Kenner, LA, telephone: 504–469–5000;

6. *Thursday, February 21, 2002*: National Marine Fisheries Service, 3500 Delwood Beach Road, Panama City, FL 32408, telephone: 850–234–6541; and

7. *Thursday, February 21, 2002*: Texas A&M University, 200 Seawolf Parkway, Galveston, TX 77553, telephone: 409–740–4416.

In addition to the above hearings, public testimony will be accepted on the Draft red grouper Amendment at the Gulf Council meeting where final action will be taken, in Sarasota, FL, on July 10, 2002. Written comments on the scope of the DSEIS for the Red Grouper rebuilding plan will be accepted if received at the Council office by April 1, 2002. Written comments on the Red Grouper rebuilding plan will be accepted if received at the Council office by June 13, 2002.

These meetings are 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**).

Dated: February 11, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3817 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 67, No. 32
Friday, February 15, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 26

Fitness-for-Duty Programs

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Availability of Draft Outline and Rule Wording.

SUMMARY: The Nuclear Regulatory Commission (NRC) is making available draft wording of a possible amendment of its regulations. The proposal would amend Title 10 Code of Federal Regulations (10 CFR) part 26, ''Fitness-for-Duty Programs.'' The general objective of this program continues to be to provide reasonable assurance that nuclear power plant and nuclear fuel facility personnel are reliable, trustworthy, and not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, that in any way may adversely affect their ability to safely and competently perform their duties. The changes should reduce the regulatory burden for licensees and improve the effectiveness of 10 CFR part 26. The availability of draft wording is intended to inform stakeholders of the current status of the NRC staff's rulemaking development activities and to provide stakeholders the opportunity to comment on the draft changes.

DATES: Comments on the draft rule outline and on individual sections should be submitted within 45 days from the applicable date shown on the draft rule development schedule included with the draft rule outline. Any comments received after this date may not be considered during the drafting of the proposed rule.

ADDRESSES: Submit written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Mail Stop O16–C1 or deliver written comments to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

The NRC has now developed a draft rule outline and wording for sections of Part 26 and has made them available on the NRC's rulemaking Web site at *http://ruleforum.llnl.gov.* You may also provide comments via the NRC's interactive rulemaking Web site through the NRC's home page at *http://ruleforum.llnl.gov.* This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher at (301) 415–5905 or by e-mail to *cag@nrc.gov.* Copies of any comments received and certain documents related to this rulemaking may be examined at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or there are problems in accessing the documents located in ADAMS, contact the NRC PDR reference staff at 1–800–397–4209, (301) 415–4737or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Garmon West, Reactor Safeguards Policy Section, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; Telephone: (301) 415–1044; Internet: *fitnessforduty@nrc.gov.*

SUPPLEMENTARY INFORMATION: This draft rule language is preliminary and may be incomplete in one or more respects. This draft rule language is being released to inform stakeholders of the current status of the NRC staff's 10 CFR part 26 rulemaking and to provide an opportunity for stakeholders to submit comments for the staff's consideration in development of a possible proposed rule. As appropriate, the Statements of Consideration for the proposed rule will briefly discuss substantive changes made to the rule language as result of comments received. If appropriate, based on the particular schedule and other circumstances unique to the rule, the NRC may periodically update the Web site content with significant changes as the proposed rule language evolves. Previous versions of the rule language may not be maintained on the Web site.

Dated at Rockville, Maryland, this 11th day of February, 2002.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Director, Division of Inspection Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3679 Filed 2–14–02; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–417–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Falcon 2000 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 Dassault Model Falcon 2000 series airplanes, and certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes. That AD currently requires repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews with new or reconditioned jackscrews; and repetitive measurement of the screw/nut play of the outboard and center flap jackscrews to detect discrepancies, and corrective action, if necessary. This action would remove Model 900EX and Mystere Falcon 900 series airplanes from the applicability of the AD. For the Model Falcon 2000 series airplanes, this action would also add certain repetitive measurements, delete certain repetitive measurements, and extend the interval for repetitive replacement of certain jackscrews. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The

actions proposed by this AD are intended to prevent jamming of the flap jackscrews during the approach to landing, which could result in inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane.

DATES: Comments must be received by March 18, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–417–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–417–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 Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–417—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 Number 2000–NM–417–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On June 29, 1999, the FAA issued AD 99–14–07, amendment 39–11218 (64 FR 36561, July 7, 1999), applicable to all Dassault Model Falcon 2000 series airplanes and to certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes, to require repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews with new jackscrews; and repetitive measurement of the screw/nut play of the outboard and center flap jackscrews to detect discrepancies, and corrective action, if necessary. That action was prompted by information received from the Direction Géenérale de l'Aviation Civile (DGAC), the airworthiness authority for France, that several operators of these airplanes had reported jamming of the inboard flap jackscrew during extension of the flaps while the airplanes were in the approach-to-landing phase of the flight. The requirements of that AD are intended to prevent jamming of the flap jackscrews, which could result in the inability to move the flaps or in an asymmetric flap condition, and consequent reduced controllability of the airplane.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, Dassault has received another report of an incident of jamming of flap jackscrews, which resulted in flap asymmetry during the approach to landing. The incident occurred on a Model Falcon 2000 airplane with only 921 flight cycles, which is less than the replacement interval (of 1,000 flight cycles) for inboard jackscrews that is specified in AD 99–14–07. The flap asymmetry damaged the junction between the two affected flaps and required replacement of the jackscrews on the left-hand and the right-hand inboard flaps. This additional incident has caused the DGAC to issue revised French airworthiness directive 1999–038–008(B) R1, dated September 20, 2000.

The revised French airworthiness directive retains the requirements for repetitive operational tests of the flap asymmetry detection system, and repair, as necessary; repetitive measurement of the screw/nut play of the outboard flap jackscrews, and corrective action, as necessary; and repetitive replacement of the inboard flap inboard jackscrews.

The revised French airworthiness directive also adds a requirement for repetitive measurement of the screw/nut play of the inboard flap jackscrews, deletes the prior requirement for repetitive measurement of the screw/nut play of the center flap jackscrews, and increases the interval for repetitive replacement of the inboard flap outboard jackscrews.

Finally, the revised French airworthiness directive limits the jackscrews subject to these requirements to those having certain part numbers.

Related Rulemaking

The FAA intends to issue a separate Notice of Proposed Rulemaking (NPRM) applicable to certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes. That NPRM proposes requirements which are similar to but not identical with the requirements for Dassault Model Falcon 2000 series airplanes, which are proposed in this NPRM. The issuance of separate NPRMs will help to clarify the requirements for the different models.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral

airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 99–14–07 to continue to require the following:

- Repetitive operational tests to verify proper functioning of the flap asymmetry detection system, and repair, if necessary;
- Repetitive measurement of the screw/nut play of the outboard flap jackscrews to detect discrepancies, and corrective action, if necessary;
- Repetitive replacement of the inboard flap inboard jackscrews.

The proposed AD would add a requirement for repetitive measurement of the screw/nut play of the inboard flap jackscrews, delete the requirement for repetitive measurement of the screw/nut play of the center flap jackscrews, and increase the interval for repetitive replacement of the inboard flap outboard jackscrews. The proposed AD would also limit the jackscrews subject to these requirements to those having certain part numbers.

Difference Between the Foreign Airworthiness Directive and the Proposed AD

The French airworthiness directive establishes a three-tiered schedule for measurement of nut/screw play of each inboard flap outboard jackscrew, whereas this AD proposes a simpler two-tiered schedule. Both documents specify that the first measurement of nut/screw play is to be made prior to the accumulation of 750 total flight cycles on the inboard flap outboard jackscrew or within 25 flight cycles after the effective date of the AD, whichever occurs later. The French airworthiness directive requires that the second measurement be made prior to the accumulation of 1,000 flight cycles and that subsequent repetitive measurements be made at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. This AD, however, proposes that the second measurement and subsequent repetitive measurements be done at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Interim Action

This proposal is considered to be interim action. The manufacturer has advised that it is currently developing a modification that will positively address the unsafe condition which is the subject of this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Cost Impact

There are approximately 45 airplanes of U.S. registry that would be affected by this proposed AD.

The costs of performing actions required by AD 99–14–07 and retained in this proposed AD for the Falcon 2000 series airplanes are described below.

The repetitive operational test of the flap asymmetry detection system takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the repetitive operational test on U.S. operators is estimated to be $2,700, or $60 per airplane, per test cycle.

The measurement of the screw/nut play in the flap jackscrews takes approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the measurement on U.S. operators is $21,600, or $480 per airplane, per measurement cycle.

The repetitive replacement of jackscrews takes approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. New jackscrews cost approximately $21,200 per airplane. However, the proposed rule permits a one-time reconditioning and re-use of jackscrews, which could reduce the cost of parts by 50%. Based on these figures, the cost of the replacement of jackscrews on U.S. operators is between $498,600 and $975,600, or between $11,080 and $21,680 per airplane, per replacement cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 39–11218 (64 FR 36561, July 7, 1999), and by adding a new airworthiness directive (AD), to read as follows:

Dassault Aviation [Formerly Avions Marcel Dassault-Breguet Aviation (AMD/BA)]: Docket 2000–NM–417–AD. Supersedes AD 99–14–07, Amendment 39–11218.

Applicability: All Model Falcon 2000 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 (i)(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 jamming of the flap jackscrews during the approach to landing, which could result in the inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Operational Test

(a) Within 5 flight cycles after August 11, 1999 (the effective date of AD 99–14–07, amendment 39–11218): Perform an operational test of the flap asymmetry detection system to ensure that the system is functioning correctly, in accordance with the procedures specified in Dassault F2000 Airplane Maintenance Manual (AMM) 27–502, dated November 1995. Prior to further flight, repair any discrepancy detected, in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent). Repeat the operational test thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Repetitive Replacement

(b) Prior to the accumulation of 1,000 total flight cycles on the inboard jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after August 11, 1999, whichever occurs later: Replace each jackscrew having part number (P/N) 5318–1 which is located on the inboard flap in the inboard position, in accordance with Dassault F2000 AMM 27–510, dated November 1995; the replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (c) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 thereafter at intervals not to exceed 1,000 flight cycles on the jackscrew located on the inboard flap in the inboard position.

(c) A jackscrew having P/N 5318–1 and located on the inboard flap in the inboard position may be replaced by a reconditioned jackscrew having P/N 5318–1, provided that all of the conditions specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD are met:

(1) The jackscrew has been reconditioned, in accordance with Dassault Service Bulletin AVIAC 5318–27–01.

(2) The jackscrew was located on the inboard flap in the inboard position prior to being reconditioned.

(3) The jackscrew has been reconditioned only one time.

(d) Prior to the accumulation of 2,200 total flight cycles on the middle jackscrew located on the inboard flap in the outboard position, or within 25 flight cycles after August 11, 1999, whichever occurs later: Replace each jackscrew having P/N 5318–1 on the inboard flap in the outboard position, in accordance with Dassault F2000 AMM 27–510, dated November 1995; the replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (e) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 thereafter at intervals not to exceed 2,200 flight cycles on the jackscrew of the inboard flap in the outboard position.

(e) A jackscrew having part number 5318–1 and located on the inboard flap in the outboard position may be replaced by a reconditioned jackscrew having P/N 5318–1, provided that all of the conditions specified in paragraphs (e)(1), (e)(2), and (e)(3) of this AD are met:

(1) The jackscrew has been reconditioned, in accordance with Dassault Service Bulletin AVIAC 5318–27–01.

(2) The jackscrew was located on the inboard flap in the outboard position prior to being reconditioned.

(3) The jackscrew has been reconditioned only one time.

Repetitive Measurements

(f) Prior to the accumulation of 1,000 total flight cycles on the outboard jackscrews located on the outboard flaps, or within 25 flight cycles after August 11, 1999, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 1–5319–1 (on the left-wing) and 2–5319–1 (on the right-wing) on the outboard flaps, in accordance with the procedures specified in Dassault F2000 AMM Temporary Revision (TR) 27–504, dated October 1998.

Note 2: Jackscrews having P/N 1–5319–1 or 2–5319–1 may be reconditioned in accordance with Dassault Aviation Service Bulletin AVIAC 5319–27–01. These jackscrews may be reconditioned and reused more than one time.

(1) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurement thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. If any repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (f)(2) of this AD.

(2) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (f)(2)(i) and (f)(2)(ii) of this AD.

(i) Prior to further flight, replace the jackscrew with a new or reconditioned jackscrew, in accordance with Dassault F2000 AMM 27–510, dated November 1995.

(ii) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew, perform a follow-on measurement of the screw/nut play in accordance with the procedures specified in Dassault F2000 AMM Temporary Revision (TR) 27–504, dated October 1998.

(iii) If any follow-on measurement required by paragraph (f)(2)(ii) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (f)(1) of this AD. If any follow-on measurement required by paragraph (f)(2)(ii) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (f)(2)(i) and (f)(2)(ii) of this AD.

(g) Prior to the accumulation of 750 total flight cycles on the jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1, which is located on the inboard flap in the inboard position to detect discrepancies, in accordance with the procedures specified in Dassault F2000 AMM TR 27–504, dated October 1998. If the measurement is greater than 0.014 inch, prior to further flight, replace the discrepant jackscrew with a new or reconditioned jackscrew, in accordance with Dassault F2000 AMM 27–510, dated November 1995.

(h) Prior to the accumulation of 1,000 total flight cycles on the jackscrew located on the inboard flap in the outboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1, which is located on the inboard flap in the outboard position, in accordance with the procedures specified in Dassault F2000 AMM TR 27–504, dated October 1998.

(1) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurements thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. If repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (h)(2) of this AD.

(2) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) Prior to further flight, replace the jackscrew with a new or reconditioned jackscrew, in accordance with F2000 AMM 27–510, dated November 1995.

(ii) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew, perform a follow-on measurement of the screw/nut play in accordance with the procedures specified in Dassault F2000 AMM Temporary Revision (TR) 27–504, dated October 1998.

(iii) If any follow-on measurement required by paragraph (h)(2)(ii) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (h)(1) of this AD. If any follow-on measurement required by paragraph (h)(2)(ii) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (h)(2)(i) and (h)(2)(ii) of of this AD.

Alternative Methods of Compliance

(i)(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, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

(2) Alternative methods of compliance, approved previously in accordance with AD 99–14–07, amendment 39–11218, are not considered to be approved as alternative methods of compliance with this AD.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in French airworthiness directive 1999–038–008(B) R1, dated September 20, 2000.

Issued in Renton, Washington, on February 6, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–3584 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–418–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Falcon 900EX and Mystere Falcon 900 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD), applicable to certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes. This action would require repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews on the inboard with new or reconditioned jackscrews; and repetitive measurement of the screw/nut play of the jackscrews on the inboard and outboard flaps to detect discrepancies, and corrective action, if necessary. This action would also require revision of the Airplane Flight Manual. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions proposed by this AD are intended to prevent jamming of the flap jackscrews during the approach to landing, which could result in inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane.

DATES: Comments must be received by March 18, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–418–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. 2000–NM–418–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 Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–418–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 Number 2000–NM–418–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On June 29, 1999, the FAA issued AD 99–14–07, amendment 39–11218 (64 FR 36561, July 7, 1999), applicable to all Dassault Model Falcon 2000 series airplanes and to certain Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes, to require repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews with new jackscrews; and repetitive measurement of the screw/nut play of the outboard and center flap jackscrews to detect discrepancies, and corrective action, if necessary. That action was prompted by information received from the Direction Générale de l'Aviation Civile (DGAC), the airworthiness authority for France, that several operators of these airplanes had reported jamming of the inboard flap jackscrew during extension of the flaps while the airplanes were in the approach-to-landing phase of the flight.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, Dassault has received another report of an incident of jamming of flap jackscrews, which resulted in flap asymmetry during the approach to landing. The incident occurred on a Model Falcon 2000 airplane with only 921 flight cycles, which is less than the replacement interval (of 1,000 flight cycles) for inboard jackscrews that is specified in AD 99–14–07. The flap asymmetry damaged the junction

between the two affected flaps and required replacement of the jackscrews on the left-hand and the right-hand inboard flaps.

Since the Dassault Model Falcon 2000 series airplanes and the Model Falcon 900EX and Mystere Falcon 900 series airplanes use the same jackscrews, the additional incident of jamming of the flap jackscrews caused the DGAC to issue two revised French airworthiness directives, both dated September 20, 2000. One (1999–038–008(B) R1) pertains to Dassault Model Falcon 2000 series airplanes, the other (1999–082–024(B) R2) to Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes.

The revised French airworthiness directive retains the requirements for repetitive operational tests of the flap asymmetry detection system, and repair, as necessary; repetitive measurement of the screw/nut play of the outboard flap jackscrews, and corrective action, as necessary; and repetitive replacement of the inboard flap inboard jackscrews.

The revised French airworthiness directive also adds a requirement for repetitive measurement of the screw/nut play of the inboard flap jackscrews, deletes the prior requirement for repetitive measurement of the screw/nut play of the center flap jackscrews, and increases the interval for repetitive replacement of the inboard flap outboard jackscrews.

The revised French airworthiness directive limits the jackscrews subject to these requirements to those having certain part numbers. Finally, it adds a requirement to revise the Airplane Flight Manual (AFM) to prohibit changing the flap position control handle in the event of a discrepancy between the control position and flap position indicator, and to require applying a particular flight manual abnormal procedure for approach speed and landing distance.

Related Rulemaking

The FAA intends to issue a separate Notice of Proposed Rulemaking (NPRM), which supersedes AD 99–14–07 and proposes requirements for the Dassault Model Falcon 2000 series airplanes which are similar to but not identical with the requirements for the Dassault Model Falcon 900EX and Mystere Falcon 900 series airplanes, which are proposed in this NPRM. The issuance of separate NPRMs will help to clarify the requirements for the different models.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would continue to require the following actions, which are currently required by AD 99–14–07 for certain Model Falcon 900EX and Mystere Falcon 900 series airplanes:

- Repetitive operational tests to verify proper functioning of the flap asymmetry detection system, and repair, if necessary;
- Repetitive measurement of the screw/nut play of the outboard flap jackscrews to detect discrepancies, and corrective action, if necessary;
- Repetitive replacement of the inboard flap inboard jackscrews.

The proposed AD would add a requirement for repetitive measurement of the screw/nut play of the inboard flap jackscrews, delete the requirement for repetitive measurement of the screw/nut play of the center flap jackscrews, and increase the interval for repetitive replacement of the inboard flap outboard jackscrews. The proposed AD would limit the jackscrews subject to these requirements to those having certain part numbers. The proposed AD also would add a requirement to revise the AFM.

Difference Between the Foreign Airworthiness Directive and the Proposed AD

The French airworthiness directive establishes a three-tiered schedule for measurement of nut/screw play of each inboard flap outboard jackscrew, whereas this AD proposes a simpler two-tiered schedule. Both documents specify that the first measurement of nut/screw play is to be made prior to the accumulation of 600 total flight cycles on the inboard flap outboard jackscrew or within 25 flight cycles after the effective date of the AD, whichever occurs later. The French airworthiness directive requires that the second measurement be made prior to the accumulation of 1,000 flight cycles and that subsequent repetitive measurements be made at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. This AD, however, proposes that the second measurement and subsequent repetitive measurements be done at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Interim Action

This proposal is considered to be interim action. The manufacturer has advised that it is currently developing a modification that will positively address the unsafe condition which is the subject of this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Cost Impact

There are approximately 28 airplanes of U.S. registry that would be affected by this proposed AD.

The costs of performing actions required by AD 99–14–07 and retained in this proposed AD for the Model Falcon 900EX and Mystere Falcon 900 series airplanes are described below.

The repetitive operational test of the flap asymmetry detection system takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the repetitive operational test on U.S. operators is estimated to be $1,680, or $60 per airplane, per test cycle.

The measurement of the screw/nut play in the flap jackscrews takes approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the measurement on U.S. operators is $13,440, or $480 per airplane, per measurement cycle.

The repetitive replacement of jackscrews takes approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. New jackscrews cost approximately $21,200 per airplane. However, the proposed rule permits a one-time reconditioning and re-use of jackscrews, which could reduce the cost of parts by 50%. Based on these figures, the cost of the replacement of jackscrews on U.S. operators is between $310,240 and $607,040, or between $11,080 and $21,680 per airplane, per replacement cycle.

The revision of the AFM would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these

figures, the cost impact of the AFM revision on U.S. operators is $1,680, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 adding the following new airworthiness directive:

Dassault Aviation [Formerly Avions Marcel Dassault-Breguet Aviation (AMD/BA)]: Docket 2000–NM–418–AD.

Applicability: Model Falcon 900EX, serial numbers 04 and up, and Mystere Falcon 900 series airplanes, serial numbers 161 and up; 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 (j)(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 jamming of the flap jackscrews during the approach to landing, which could result in the inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Operational Test

(a) Within 5 flight cycles after August 11, 1999 (the effective date of AD 99–14–07, amendment 39–11218): Perform an operational test of the flap asymmetry detection system to ensure that the system is functioning correctly, in accordance with the procedures specified in Falcon 900 Airplane Maintenance Manual (AMM) 27–502, dated January 1995, or Falcon 900EX AMM 27–502, dated September 1996, as applicable. Prior to further flight, repair any discrepancy detected, in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent). Repeat the operational test thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Repetitive Replacement

(b) Replace each jackscrew having part number (P/N) 5318–1 which is located on the inboard flap in the inboard position, in accordance with the procedures specified in Falcon 900 AMM 27–521, dated December 1998, or Falcon 900EX AMM 27–510, dated September 1996, as applicable; the replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (c) of this AD. Do the initial replacement at the earlier of the times specified in paragraphs (b)(1) and (b)(2) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 thereafter at intervals not to exceed 750 flight cycles on the jackscrew located on the inboard flap in the inboard position.

(1) Prior to the accumulation of 1,000 total flight cycles on the inboard jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after August 11, 1999, whichever occurs later.

(2) Prior to the accumulation of 750 total flight cycles on the inboard jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later.

(c) A jackscrew having P/N 5318–1 and located on the inboard flap in the inboard position may be replaced by a reconditioned jackscrew having P/N 5318–1, provided that all of the conditions specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD are met.

(1) The jackscrew has been reconditioned, in accordance with Dassault Service Bulletin AVIAC 5318–27–01.

(2) The jackscrew was located on the inboard flap in the inboard position prior to being reconditioned.

(3) The jackscrew has been reconditioned only one time.

(d) Prior to the accumulation of 2,200 total flight cycles on the middle jackscrew located on the inboard flap in the outboard position, or within 25 flight cycles after August 11, 1999, whichever occurs later: Replace each jackscrew having P/N 5318–1 on the inboard flap in the outboard position, in accordance with the procedures specified in Falcon 900 AMM 27–521, dated December 1998, or Falcon 900EX AMM 27–510, dated September 1996, as applicable; the replacement jackscrew may be new or may have been reconditioned in accordance with paragraph (e) of this AD. Repeat the replacement of a jackscrew having P/N 5318–1 thereafter at intervals not to exceed 2,200 flight cycles.

(e) A jackscrew having part number 5318–1 and located on the inboard flap in the outboard position may be replaced by a reconditioned jackscrew having P/N 5318–1, provided that all of the conditions specified in paragraphs (e)(1), (e)(2), and (e)(3) of this AD are met.

(1) The jackscrew has been reconditioned, in accordance with Dassault Service Bulletin AVIAC 5318–27–01.

(2) The jackscrew was located on the inboard flap in the outboard position prior to being reconditioned.

(3) The jackscrew has been reconditioned only one time.

Repetitive Measurements

(f) Prior to the accumulation of 1,000 total flight cycles on the outboard jackscrews located on the outboard flaps, or within 25 flight cycles after August 11, 1999, whichever occurs later: Measure the screw/nut play of the jackscrews having P/N 1–5319–1 (on the leftwing) and 2–5319–1 (on the rightwing) on the outboard flaps, in accordance with the procedures specified in Falcon 900 AMM Temporary Revision (TR) 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable.

Note 2: Jackscrews having P/N 1–5319–1 or 2–5319–1 may be reconditioned in accordance with Dassault Service Bulletin AVIAC 5319–27–01. These jackscrews may be reconditioned and reused more than one time.

(1) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurement thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. If any repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (f)(2) of this AD.

(2) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (f)(2)(i) and (f)(2)(ii) of this AD.

(i) Prior to further flight, replace the jackscrew with a new or reconditioned jackscrew, in accordance with Falcon 900 AMM 27–521, dated December 1998, or Falcon 900EX AMM 27–510, dated September 1996, as applicable.

(ii) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew, perform a follow-on measurement of the screw/nut play, in accordance with the procedures specified in Falcon 900 AMM Temporary Revision (TR) 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable.

(iii) If any follow-on measurement required by paragraph (f)(2)(ii) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (f)(1) of this AD. If any follow-on measurement required by (f)(2)(ii) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (f)(2)(i) and (f)(2)(ii) of this AD.

(g) Prior to the accumulation of 600 total flight cycles on the jackscrew located on the inboard flap in the inboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1, which is located on the inboard flap in the inboard position to detect discrepancies, in accordance with the procedures specified in Falcon 900 AMM TR 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable. If the measurement is greater than 0.014 inch, prior to further flight, replace the discrepant jackscrew with a new or reconditioned jackscrew, in accordance with the applicable maintenance manual.

(h) Prior to the accumulation of 1,000 total flight cycles on the jackscrew located on the inboard flap in the outboard position, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the jackscrew having P/N 5318–1, which is located on the inboard flap in the outboard position, in accordance with the procedures specified in Falcon 900 AMM TR 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable.

(1) If the initial measurement is equal to or less than 0.014 inch: Repeat the measurements thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first. If any repetitive measurement detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraph (h)(2) of this AD.

(2) If the initial measurement is greater than 0.014 inch: Perform the actions required by paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) Prior to further flight, replace the discrepant jackscrew with a new or reconditioned jackscrew, in accordance with Falcon 900 AMM 27–521, dated December 1998, or Falcon 900EX AMM 27–510, dated September 1996, as applicable.

(ii) Prior to the accumulation of 1,000 total flight cycles on the new or reconditioned jackscrew perform a follow-on measurement of the screw/nut play, in accordance with the procedures specified in Falcon 900 AMM Temporary Revision (TR) 27–514, dated February 1999, or Falcon 900EX AMM TR 27–514, dated February 1999, as applicable.

(iii) If any follow-on measurement required by paragraph (h)(2)(ii) of this AD detects a nut/screw play equal to or less than 0.014 inch, perform the actions required by paragraph (h)(1) of this AD. If any follow-on measurement required by paragraph (h)(2)(ii) of this AD detects a nut/screw play greater than 0.014 inch, perform the actions required by paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

Airplane Flight Manual Revision

(i) Within 7 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement (this may be accomplished by inserting a copy of this AD in the AFM):

''In case of discrepancy between the control position and flap position indicator, do not change flap position control handle. Apply flight manual abnormal procedure ''Flight controls '' system jamming or asymmetry'' for approach speed and landing distance.''

Note 3: When the statement in paragraph (a) of this AD has been incorporated into the FAA-approved general revisions of the AFM, the general revisions may be incorporated into the AFM, provided the statement in this AD and the general revisions is identical. This AD may then be removed from the AFM.

Alternative Methods of Compliance

(j)(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, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

(2) Alternative methods of compliance, approved previously in accordance with AD 99–14–07, amendment 39–11218, are not considered to be approved as alternative methods of compliance with this AD.

Special Flight Permits

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

Note 4: The subject of this AD is addressed in French airworthiness directive 1999–082–024(B) R2, dated September 20, 2000.

Issued in Renton, Washington, on February 6, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–3585 Filed 2–14–02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 255

[Docket No. OST–2002–11577]

RIN 2105–AC75

Extension of Computer Reservations Systems (CRS) Regulations

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is proposing to amend its rules governing airline computer reservations systems (CRSs), 14 CFR part 255, by changing the rules' expiration date from March 31, 2002, to March 31, 2003. If the expiration date is not changed, the rules will terminate on March 31, 2002. The proposed extension of the current rules will keep them in effect while the Department carries out its reexamination of the need for CRS regulations. The Department has tentatively concluded that the current rules should be maintained because they appear to be necessary for promoting airline competition and helping to ensure that consumers and their travel agents can obtain complete and accurate information on airline services. The rules were previously extended from December 31, 1997, to March 31, 1999, then to March 31, 2000, then to March 31, 2001, and most recently to March 31, 2002.

DATES: Comments must be submitted on or before March 18, 2002. Late filed comments will be considered to the extent possible.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them (marked with docket number OST–2002–11577) by only one of the following means:

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

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

The telephone number is 202–366–9329.

(3) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.* Comments must be filed in Docket OST–2002–11577.

However, due to security procedures in effect since October 2001 on mail deliveries, mail received through the Postal Service may be subject to delays. Commenters should consider using an express mail firm to ensure the timely filing of any comments not submitted electronically or by hand.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 Seventh St., SW., Washington, DC 20590, (202) 366–4731.

Electronic Access

You can view and download this document by going to the webpage of the Department's Docket Management System (*http://dms.dot.gov/*). On that page, click on ''search.'' On the next page, type in the last four digits of the docket number shown on the first page of this document. Then click on ''search.'' An electronic copy of this document also may be downloaded by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara/ index.html.*

SUPPLEMENTARY INFORMATION: The Department adopted its rules governing CRS operations, 14 CFR part 255, because almost all airlines operating in the United States relied on the CRSs in marketing their airline services and each system was then controlled by one or more airlines or airline affiliates. 57 FR 43780 (September 22, 1992). We concluded that the rules were necessary to ensure that each of the airlines and airline affiliates that controlled the systems did not use them to unfairly prejudice the competitive position of other airlines and to ensure that travel agents and their customers could obtain accurate and unbiased information from the systems. CRS rules were necessary because almost all airlines received most of their bookings from travel agencies and because travel agents relied on the systems to obtain airline information and make bookings for their customers. Our rules as revised will expire on March 31, 2002, unless we readopt them or extend the expiration date. We began a proceeding to determine whether the rules are necessary and should be readopted and, if so, whether they should be modified, by issuing an advance notice of proposed rulemaking. 62 FR 47606 (September 10, 1997). We are proposing here to extend the rules' expiration date to March 31, 2003, so that they will remain in force while we complete that proceeding. The Department expects to issue a notice of proposed rulemaking regarding the substantive issues that might be addressed in revised CRS rules later this year.

We are allowing thirty days for comments on this proposal. That comment period will enable us to publish a final decision on this proposal before the rules' current expiration date. Our advance notice of proposed rulemaking and our supplemental advance notice of proposed rulemaking have given interested persons an opportunity to comment on whether the rules should be maintained.

The CRS Business

A CRS provides information and booking capabilities on airline services and other travel services sold through it to its users, who are primarily travel agents (both traditional agencies and on-line agencies). Consumers using Internet reservations services and corporate travel departments also use the systems. Users access the systems through computer terminals. Someone using a CRS can investigate what airline seats and fares are available and can book a seat on each airline that ''participates'' in the system, that is, that makes its services saleable through the CRS.

Four CRSs operate in the United States. Two of them—Worldspan and Amadeus—are owned in whole or part by one or more U.S. or foreign airlines, and the other two—Sabre and Galileo—are marketed by one or more U.S. airlines and until recently were also controlled by one or more airlines.

The systems charge participating airlines and other travel suppliers fees when a user books travel services through the system or changes an existing booking (these fees are called ''booking fees''). The fees paid by travel suppliers produce most of each system's revenues. Many travel agencies also pay fees for using a system, although other travel agencies obtain system services without charge. Since the systems compete for travel agency customers (''subscribers''), market forces usually discipline subscriber fees.

Regulatory Background

The Civil Aeronautics Board (''the Board''), the agency formerly responsible for the airline industry's economic regulation, initially adopted CRS rules because the systems had become essential for airline distribution due to the travel agents' reliance on them for investigating and booking airline services. 49 FR 32540 (August 15, 1984). Each system then operating in the United States, with one minor exception, was owned by a single airline, and each owner airline was using its system to prejudice competing airlines and to give consumers biased or incomplete information in order to obtain more bookings. The Board determined that regulations were necessary to keep the systems from substantially injuring airline competition and from misleading consumers. The Board adopted the rules under the authority granted it by section 411 of the Federal Aviation Act, later recodified as 49 U.S.C. 41712, to prevent unfair methods of competition and unfair and deceptive practices in air transportation and the sale of airline transportation. The Board's rules were affirmed on review. *United Air Lines* v. *CAB,* 766 F.2d 1107 (7th Cir. 1985).

The Board's rules required each system to make participation available to all airlines on non-discriminatory terms, to offer at least one unbiased display, and to make available to each airline participant any marketing and booking data that the system chose to generate from bookings for domestic travel. The rules also prohibited certain CRS contract terms that unreasonably kept travel agencies from switching systems or using more than one system.

The Board's rules contained a sunset date, December 31, 1990, to ensure that we would reexamine the rules after we assumed the Board's responsibilities for airline economic regulation. We conducted such a reexamination and concluded that the rules remained necessary and should be strengthened in certain respects. 57 FR 43780 (September 22, 1992). The rules were still necessary, because market forces did not discipline the price or level of service offered participating airlines by the systems. CRS owners could use their control of the systems to prejudice airline competition, and the systems could bias their displays of airline services, if there were no rules. 57 FR at 43783–43787.

Our rules also included a sunset date, December 31, 1997. 14 CFR 255.12; 57 FR at 43829–43830 (September 22, 1992). We began our current reexamination of the rules by publishing an advance notice of proposed rulemaking requesting comments on whether we should readopt the rules and, if so, whether they should be changed. 62 FR 47606 (September 10, 1997). We thereafter published a

supplemental advance notice of proposed rulemaking that asked the parties to update their comments in light of recent developments and to comment on whether any rules should be adopted regulating the use of the Internet in airline distribution. 65 FR 45551 (July 24, 2000). We have also been conducting informal studies of recent developments in airline distribution and of the proposed business plan and operational strategy of Orbitz, a travel website owned by five major U.S. airlines.

Almost all of the parties responding to our advance notice of proposed rulemaking and supplemental advance notice of proposed rulemaking have urged us to maintain CRS rules, although many have argued that the rules required changes. Few parties have argued that we should eliminate the rules or that the continued regulation of the CRS business is unnecessary. An extension of the current rules pending completion of the current reexamination of those rules would be consistent with the positions taken by most of the commenters.

Previous Extension of the Rules' Sunset Date

Previously, we have extended the sunset date four times, first to March 31, 1999, and most recently to March 31, 2002. 62 FR 66272 (December 18, 1997); 64 FR 15127 (March 30, 1999); 65 FR 16808 (March 30, 2000); and 66 FR 17352 (March 30, 2001). We concluded that these extensions were necessary to prevent the harm that would arise if the CRS business were not regulated and in view of the fact that extending the rules would not impose substantial costs on the industry. The only party that commented on the first proposed extension—America West Airlines—supported it, as did three parties that commented on the second proposed extension—Amadeus Global Distribution System, America West, and the Association of Asia-Pacific Airlines. Worldspan's comment on the second proposed extension did not oppose the extension. The parties that took a position on the third proposed extension—Delta, Amadeus, Worldspan, and the American Society of Travel Agents—all supported the proposal. Worldspan, Delta, America West, and Orbitz supported our fourth proposed extension, while the Air Carrier Association did not oppose it. The Air Carrier Association, Delta, and America West urged us to revise the rules on some issues as soon as possible.

Status of Our Review

The Department recognizes that our reexamination of the rules should be completed as soon as possible, and the staff is moving forward promptly to bring the rulemaking to completion. Our rules must be updated to reflect current industry conditions, and we must consider whether the rules should be extended to the Internet, which is becoming increasingly important in airline distribution.

CRS-related issues may arise that may require a decision before we complete our overall reexamination of the rules. The importance of some issues related to Orbitz, for example, caused us to review Orbitz' business plan before it launched its service to the public, and we are conducting a further review of Orbitz to see whether its actual operations present competitive issues. When expedited action is needed on other issues, we will address them promptly. We are aware that several parties have requested expedited action on specific proposed revisions to the CRS rules, such as rules limiting airline booking fees and giving travel agency subscribers additional rights to cancel CRS contracts. *See, e.g.*, the petition filed by America West on airline booking fees; the Emergency Petition for Rulemaking filed by the Association of Retail Travel Agents in Docket OST–98–4775 on travel agency contracts; the petition filed by Amadeus in Docket OST–99–5888 on the tying of an airline's corporate discount fares with the agency's use of that airline's CRS; and the comments filed by several travel agency parties and the Association of Air Carriers of America requesting expedited action on an amendment that would bar or restrict systems from providing booking and marketing data to airlines. While we currently intend to address all of the rulemaking issues in the overall reexamination, and to do so promptly, we will consider acting more quickly on specific issues as necessary.

Our Proposed Extension of the CRS Rules

We are again proposing to extend the expiration date for our CRS rules by one year, to March 31, 2003, to maintain the rules while we complete our reexamination of the need for the rules and their effectiveness. Our overall reexamination of our rules, including the need to give parties an adequate opportunity to file comments and reply comments in response to our future notice of proposed rulemaking, cannot be completed within the several weeks remaining before the current expiration date, March 31, 2002. Our proposed amendment would preserve the status quo until we determine which rules, if any, should be adopted. Allowing the current rules to expire would be disruptive, since the systems, airlines, and travel agencies have been conducting their operations in the expectation that each system will comply with the rules. Systems, airlines, and travel agencies, moreover, would be unreasonably burdened if the rules were allowed to expire and we later determined that those rules (or similar rules) should be adopted, since they could have changed their business methods in the meantime.

We are proposing to maintain the rules for another year primarily in order to protect airline competition and consumers against unreasonable and unfair practices. In our past reviews of the need for CRS rules, we found that CRSs were still essential for the marketing of the services of almost all airlines. 57 FR 43780, 43783–43784 (September 22, 1992). We concluded that rules were necessary because travel agencies were the airlines' principal method of distribution, because travel agencies relied on CRSs, because most travel agency offices used only one CRS, because airlines and other firms had not successfully encouraged travel agencies to use alternatives for CRSs, and because non-owner airlines were unable to induce agencies to use CRSs that provided better or less expensive service to the airlines. 57 FR at 43783–43784, 43831. If an airline did not participate in a system used by a travel agency, that agency was less likely to book its customers on that airline. The importance of marginal revenues in the airline industry meant that no airline could afford to lose access to a significant source of revenue. An airline (or other firm) could not practicably create a system that could compete with the existing systems. Almost all airlines therefore had to participate in each CRS, and CRSs did not need to compete for airline participants. 57 FR at 43783–43784.

These findings still appear to be valid. Travel agencies still make most airline bookings in the United States, travel agencies still rely heavily on CRSs to obtain information on airline services and to make bookings, and most travel agency offices rely entirely or predominantly on one system to carry out these tasks. The decisions of most low-fare airlines to participate in each system, even though several initially believed that they could reduce their costs while not forfeiting much traffic by declining to participate in the systems, support these findings. 62 FR at 47608. As noted above, most of the

parties that responded to our advance notice of proposed rulemaking and supplemental advance notice of proposed rulemaking have stated that the rules remained necessary, and most of them have urged us to strengthen them further to protect against potential abuses by system owners.

Thus, while we have not made a determination that the rules should be readopted, we tentatively believe that our past findings on the need for CRS rules are still valid, at least for the purpose of a short-term extension of the rules' expiration date. Maintaining the current rules will protect airline competition and consumers against the injuries that would otherwise occur, given our earlier findings on the market power of the systems and the systems' ability to engage in practices that could prejudice airline competition and lead to consumer deception. Continuing the rules in effect should not impose significant costs on the systems and their owners, since they have already adjusted their operations to comply with the rules and since the rules do not impose costly burdens of a continuing nature on the systems.

Furthermore, our obligation under section 1102(b) of the Federal Aviation Act, recodified as 49 U.S.C. 40105(b), to act consistently with the United States' obligations under treaties and bilateral air services agreements further supports our continuation of the rules. Many of those bilateral agreements assure the airlines of each party a fair and equal opportunity to compete. We have held that the fair and equal opportunity to compete includes, among other things, a right to have an airline's services fairly displayed in CRSs. Our rules against display bias and discriminatory treatment help to provide foreign airlines with a fair and equal opportunity to compete in the United States. 57 FR at 43791–43792.

We recognize that the airline distribution system and the CRS business are changing. The Internet's role in airline distribution is growing rapidly. Two of the systems—Sabre and Galileo—are no longer controlled by airlines. American and Southwest market Sabre, however, and United markets Galileo, so these two systems each have significant airline ties which could potentially lead to deceptive or unfair competitive practices if our rules expired. Whether the rules should be readopted in light of the changes in system ownership is, of course, an issue that we are carefully considering in our reexamination of the rules. 65 FR at 45554, 45556. As stated above, we recognize the importance of updating the rules to reflect all such developments.

Regulatory Process Matters

Regulatory Assessment

This rulemaking is a nonsignificant regulatory action under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget under that order. The proposal is also not significant under the regulatory policies and procedures of the Department of Transportation, 44 FR 11034.

Maintaining the current rules should not impose significant costs on the systems. They have already taken the steps necessary for compliance with the rules' requirements on displays and functionality, and complying with those rules on a continuing basis does not impose a substantial burden on the systems. Keeping the rules in force will benefit participating airlines, since otherwise they could be subjected to unreasonable terms for participation, and consumers, who might otherwise obtain incomplete or inaccurate information on airline services. The rules also prevent some types of abuses by systems in their competition for travel agency subscribers.

When we conducted our last major CRS rulemaking, we included a tentative economic analysis in our notice of proposed rulemaking and made that analysis final when we issued our final rule. We believe that analysis remains applicable to our proposal to extend the rules' expiration date. As a result, no new regulatory impact statement appears to be necessary. However, we will consider comments from any party on that analysis before we make our proposal final.

This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.

Small Business Impact

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The act requires agencies to review proposed regulations that may have a significant economic impact on a substantial number of small entities. For purposes of this rule, small entities include smaller U.S. airlines and smaller travel agencies. Our notice of proposed rulemaking sets forth the reasons for our proposed extension of the rules' expiration date and the objectives and legal basis for that proposed rule.

Furthermore, maintaining the current rules will not modify the existing regulation of small businesses. Our final rule in our last major CRS rulemaking contained a regulatory flexibility analysis on the impact of the rules. As a result of that analysis, we determined that this regulation did not have a significant economic impact on a substantial number of small entities. Our analysis appears to be valid for our proposed extension of the rules' termination date. Accordingly, we adopt that analysis as our tentative regulatory flexibility statement and will consider any comments filed on that analysis in connection with this proposal.

The continuation of our existing CRS rules will primarily affect two types of small entities, smaller airlines and travel agencies. To the extent that airlines can operate more efficiently and reduce their costs, the rules will also affect all small entities that purchase airline tickets, since airline fares may be somewhat lower than they would otherwise be, although the difference may be small.

Continuing the rules will protect smaller non-owner airlines from several potential system practices that could injure their ability to operate profitably and compete successfully. No smaller airline has a CRS ownership interest. Market forces do not significantly influence the systems' treatment of airline participants. As a result, if there were no rules, the airlines affiliated with the systems could use them to prejudice the competitive position of other airlines. The rules provide important protection to smaller airlines. For example, by prohibiting systems from ranking and editing displays of airline services on the basis of carrier identity, they limit the ability of each system to bias its displays in favor of its owner airlines and against other airlines. The rules also prohibit charging participating airlines discriminatory fees. The rules, on the other hand, impose no significant costs on smaller airlines.

The CRS rules affect the operations of smaller travel agencies, primarily by prohibiting certain CRS practices that could unreasonably restrict the travel agencies' ability to use more than one system or to switch systems. The rules prohibit CRS contracts that have a term longer than five years, give travel agencies the right to use third-party hardware and software, and prohibit certain types of contract clauses, such as minimum use and parity clauses, that restrict an agency's ability to use multiple systems. By prohibiting display bias based on carrier identity, the rules also enable travel agencies to

obtain more useful displays of airline services.

Our proposed rule contains no direct reporting, record-keeping, or other compliance requirements that would affect small entities. There are no other federal rules that duplicate, overlap, or conflict with our proposed rules.

Interested persons may address our tentative conclusions under the Regulatory Flexibility Act in their comments submitted in response to this notice of proposed rulemaking.

I certify under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. *et seq.*) that this regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposal contains no collection-of-information requirements subject to the Paperwork Reduction Act, Public Law 96–511, 44 U.S.C. Chapter 35.

Federalism Assessment

This proposed rule has been reviewed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been determined that this action does 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. This proposed rule will not limit the policymaking discretion of the States. Nothing in this proposal would directly preempt any State law or regulation. We are proposing this amendment primarily under the authority granted us by 49 U.S.C. 41712 to prevent unfair methods of competition and unfair and deceptive practices in the sale of air transportation. We believe that the policy set forth in this proposed rule is consistent with the principles, criteria, and requirements of the Federalism Executive Order and the Department's governing statute. Comments on these conclusions are welcomed and should be submitted to the docket.

List of Subjects in 14 CFR Part 255

Air carriers, Antitrust, Consumer protection, Reporting and recordkeeping requirements, Travel agents.

Accordingly, the Department of Transportation proposes to amend 14 CFR Part 255 as follows:

PART 255—[AMENDED]

1. The authority citation for Part 255 continues to read as follows:

Authority: 49 U.S.C. 40101, 40102, 40105, 40113, 41712.

2. Section 255.12 is revised to read as follows:

§ 255.12. Termination.

The rules in this part terminate on March 31, 2003.

Issued in Washington, DC on February 12, 2002, under authority delegated by 49 CFR 1.56a (h) 2.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02–3924 Filed 2–13–02; 1:03 pm]

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FEDERAL TRADE COMMISSION

16 CFR Part 303

Rules and Regulations Under the Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission (''Commission'') solicits comments on whether to amend Rule 7(c) of the Rules and Regulations Under the Textile Fiber Products Identification Act (''Textile Rules''), to establish a new generic fiber subclass name and definition as an alternative to the generic name ''polyester'' for a specifically proposed subclass of polyester fibers manufactured by E. I. du Pont de Nemours and Company (''DuPont''), of Wilmington, Delaware. DuPont suggested the name ''elasterell-p'' for the fiber, which it described as an inherently elastic, bicomponent textile fiber consisting of two substantially different forms of polyester fibers, and referred to as ''T400.''

DATES: Comments will be accepted through April 19, 2002.

ADDRESSES: Comments should be submitted to: Office of the Secretary, Federal Trade Commission, Room 159, 600 Pennsylvania Ave., NW, Washington DC 20580. Comments should be identified as ''16 CFR part 303—Textile Rule 8 DuPont Comment—P948404.''

FOR FURTHER INFORMATION CONTACT: Neil Blickman, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580; (202) 326–3038.

SUPPLEMENTARY INFORMATION:

I. Background

Rule 6 of the Textile Rules (16 CFR 303.6) requires manufacturers to use the generic names of the fibers contained in their textile products in making fiber content disclosures on labels, as required by the Textile Fiber Products Identification Act (''Textile Act''), 15 U.S.C. 70b(b)(1). Rule 7 of the Textile Rules (16 CFR 303.7) sets forth the generic names and definitions that the Commission has established for synthetic fibers. Rule 8 (16 CFR 303.8) describes the procedures for establishing new generic names.

DuPont applied to the Commission on February 5, 2001, for a new polyester fiber subclass name and definition, and supplemented its application with additional information and test data on March 18, 2001, and August 23, 2001.[1] DuPont stated that the T400 fiber is an inherently elastic, bicomponent, manufactured textile fiber consisting of two substantially different forms of polyester fibers. According to DuPont, T400 is distinguished from commercially available fibers by a significant and long-lived stretch and recovery characteristic fitting between conventional textured polyesters and spandex.

As a result of T400's fiber structure, DuPont maintained that T400 has the following distinctive properties: (1) Stretch and recovery power that is far superior to that of any textured fiber, including textured polyesters; (2) the superior stretch and recovery property does not degrade or ''sag'' over time with normal use and washings, compared to textured fibers, including polyesters; and (3) a softer ''silkier'' feel or ''hand'' than textured polyester fibers. DuPont asserted that T400 will fill a growing and unmet consumer demand for stretch garments with fibers that can yield quality stretch and recovery without degrading over time like textured polyester fibers. DuPont contends that it would be confusing to consumers if T400 is called simply ''polyester.''

DuPont, therefore, petitioned the Commission to establish the generic name ''elasterell-p'' as an alternative to, and a subclass of, ''polyester.'' In addition, DuPont proposed that the Commission add the following sentence to the current definition of polyester in

[1] DuPont's petition and supplements thereto are on the rulemaking record of this proceeding. This material, as well as any comments filed in this proceeding, will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and the Commission's Rules of Practice, 16 CFR 4.11, at the Consumer Response Center, Public Reference Section, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC. Any comments that are filed will be found under the Rules and Regulations Under the Textile Fiber Products Identification Act, 16 CFR part 303, Matter No. P948404, ''DuPont Generic Fiber Petition Rulemaking.'' The comments also may be viewed on the Commission's website at www.ftc.gov.

Rule 7(c) to define T400 and similar fibers as a subclass of polyester:

Where the fiber is a multicomponent and exhibits inherent (not mechanically induced) recoverable stretch of at least 35% upon loading with 185 mg/dtex and unloading to 5.4 mg/dtex when tested in accordance with ASTM test D6720, the term ''elasterell-p'' may be used as a generic description of the fiber.

The effect of DuPont's proposed amendment would be to allow use of the name ''elasterell-p'' as an alternative to the generic name ''polyester'' for the subcategory of polyester fibers meeting the further criteria contained in the sentence added by the proposed amendment.

After an initial analysis with the assistance of a textile expert, the Commission determined that DuPont's proposed new fiber technically falls within Rule 7(c)'s definition of ''polyester.''[2] The Commission further determined that DuPont's application for a new subclass name and definition merits further consideration. Accordingly, on May 21, 2001, the Commission announced that it had issued DuPont the designation ''DP 0002'' for temporary use in identifying T400 fiber pending a final determination on the merits of the application for a new generic fiber subclass name and definition. A final determination will be based on whether the record in this proceeding indicates that DuPont meets the Commission's criteria for issuing new fiber subclass names and definitions, as described in Part II, below.

II. Invitation To Comment

The Commission is soliciting comment on DuPont's application generally, and on whether the application meets the Commission's criteria for granting applications for new generic fiber subclass names.

The Commission articulated standards for establishing a new generic fiber ''subclass'' in the proceeding to allow use of the name ''lyocell'' as an alternative generic description for a specifically defined subcategory of ''rayon'' fiber, pursuant to 16 CFR 303.7(d). There, the Commission noted that:

Where appropriate, in considering applications for new generic names for fibers that are of the same general chemical composition as those for which a generic name already has been established, rather than of a chemical composition that is radically different, but that have distinctive properties of importance to the general public as a result of a new method of manufacture or their substantially differentiated physical characteristics, such as their fiber structure, the Commission may allow such fiber to be designated in required information disclosures by either its generic name or, alternatively, by its ''subclass'' name. The Commission will consider this disposition when the distinctive feature or features of the subclass fiber make it suitable for uses for which other fibers under the established generic name would not be suited, or would be significantly less well suited.[3]

Thus, a new generic fiber subclass may be appropriate in cases where the proposed subclass fiber: (1) Has the same general chemical composition as an established generic fiber category; (2) has distinctive properties of importance to the general public as a result of a new method of manufacture or substantially differentiated physical characteristics, such as fiber structure; and (3) the distinctive feature(s) make the fiber suitable for uses for which other fibers under the established generic name would not be suited, or would be significantly less well suited.[4]

Within the established 24 generic names for manufactured fibers, there are three cases where such generic name alternatives may be used: (1) Pursuant to Rule 7(d), 16 CFR 303.7(d), within the generic category ''rayon,'' the term ''lyocell'' may be used as an alternative generic description for a specifically defined subcategory of rayon fiber; (2) pursuant to Rule 7(e), 16 CFR 303.7(e), within the generic category ''acetate,'' the term ''triacetate'' may be used as an alternative generic description for a specifically defined subcategory of acetate fiber; and (3) pursuant to Rule 7(j), 16 CFR 303.7(j), within the generic category ''rubber,'' the term ''lastrile'' may be used as an alternative generic description for a specifically defined subcategory of rubber fiber.

DuPont's application may describe a subclass of generic polyester fibers with distinctive features resulting from physical characteristics of the fiber and its method of manufacture, which meets the above standard for allowing designation by the subclass name ''elasterell-p.'' Alternatively, T400 may fit within the current definition of polyester in Rule 7(c), with or without need for clarification. This notice, therefore, suggests three approaches to resolve the situation, and requests comment from the public on the relative merits of each:

1. Amend Rule 7(c) to broaden its definition for polyester to better describe the allegedly unique molecular structure and physical characteristics of T400 and any similar fibers (without creating a new subclass for T400);
2. Amend Rule 7(c)'s definition for polyester by creating a separate subclass name and definition for T400 and other similar qualifying fibers within the polyester category; or
3. Deny DuPont's application because T400 fiber fits within Rule 7(c)'s definition of polyester without need for any change.

In today's notice, the Commission is soliciting comments on all aspects of the appropriateness of DuPont's proposed amendment to Rule 7(c)'s definition of polyester. Although the Commission initially has determined that DuPont's new fiber technically falls within the existing Rule 7(c), 16 CFR 303.7(c), definition of ''polyester,'' the Commission believes it is in the public interest to solicit comments on whether it should amend Rule 7(c) by creating a subclass to recognize T400's characteristics or otherwise. Before deciding whether to amend Rule 7, the Commission will consider any comments submitted to the Secretary of the Commission within the above-mentioned comment period.

III. DuPont's Petition

A. T400 Fiber's Chemical Composition

DuPont's petition and supplemental filings described in detail the T400 fiber. The following description is substantially verbatim:

Although each of the two components of T400 has the same chemical composition as polyester, new technology has made it possible for

[2] Rule 7(c) defines ''polyester'' as ''[a] manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of an ester of a substituted aromatic carboxylic acid, including but not restricted to substituted terephthalate units, [formula omitted] and para substituted hydroxybenzoate units, [formula omitted].'' 16 CFR 303.7(c).

[3] 60 FR 62352, 62353 (Dec. 6, 1995).

[4] The criteria for establishing a new generic subcategory are different from the criteria to establish a new generic category. The Commission's criteria for granting applications for new generic names are as follows: (1) The fiber for which a generic name is requested must have a chemical composition radically different from other fibers, and that distinctive chemical composition must result in distinctive physical properties of significance to the general public; (2) the fiber must be in active commercial use or such use must be immediately foreseen; and (3) the granting of the generic name must be of importance to the consuming public at large, rather than to a small group of knowledgeable professionals such as purchasing officers for large Government agencies. The Commission believes it is in the public interest to prevent the proliferation of generic names, and will adhere to a stringent application of these criteria in consideration of any future applications for generic names, and in a systematic review of any generic names previously granted that no longer meet these criteria. The Commission announced these criteria on Dec. 11, 1973, at 38 FR 34112, and later clarified and reaffirmed them on Dec. 6, 1995, 60 FR 62353, on may 23, 1997, 62 FR 28343, on Jan. 6, 1998, 63 FR 447 and 63 FR 449, and on Nov. 17, 2000, 65 FR 69486.

DuPont to combine in a bicomponent fiber structure, previously commercialized polyester with another new form of polyester that has not yet been commercialized in the United States. One of these individual components of the new fiber is different from current commercial forms of polyester by one methylene group. T400 also has a molecular structure that is radically different from other polyesters in that it has a substantially different degree of polymerization and associated properties. In addition, T400's fiber structure is different from other polyesters. This differentiated physical characteristic is a helical crimp resulting from the differential shrinkage of two different fibers spun as a bicomponent, and results in a level of inherent stretch and recovery uncharacteristic of any other polyester. The stretch and recovery is not physically induced and temporary like texturizing, but is inherent in the helical fiber structure, and the stretch recovery power is sustained over time.

B. T400's Distinctive Properties as a Result of a New Method of Manufacture or Substantially Differentiated Physical Characteristics, Such as Fiber Structure

DuPont's petition detailed T400's distinctive physical properties. The following items are excerpted nearly verbatim from DuPont's petition and supplements.

1. According to DuPont, the most notable characteristic (and of greatest importance to consumers) of T400 is its stretch and recovery power which is far superior to that of any textured fiber, including textured polyesters. This property is a direct result of the fiber structure of T400. DuPont has compared the stretch and recovery of several false twist textured fibers to T400. The range of recoverable stretch values for T400, which is well above 35%, reflects the fact that DuPont can vary the stretch and recovery of the fiber by adjusting the spinner conditions. The recoverable stretch values for the polyester fibers described as 2GT, 3GT, and 4GT are below 35%.

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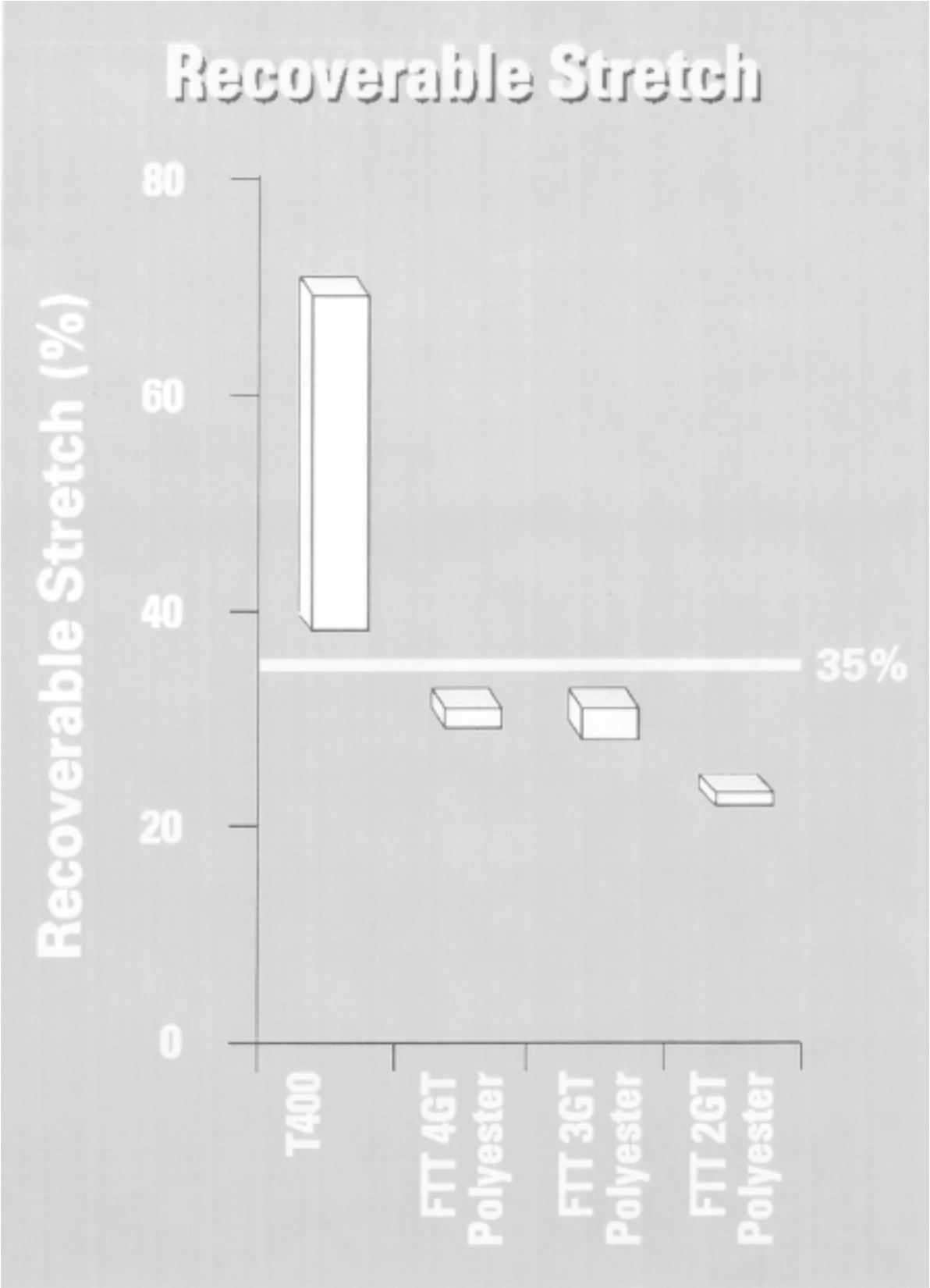

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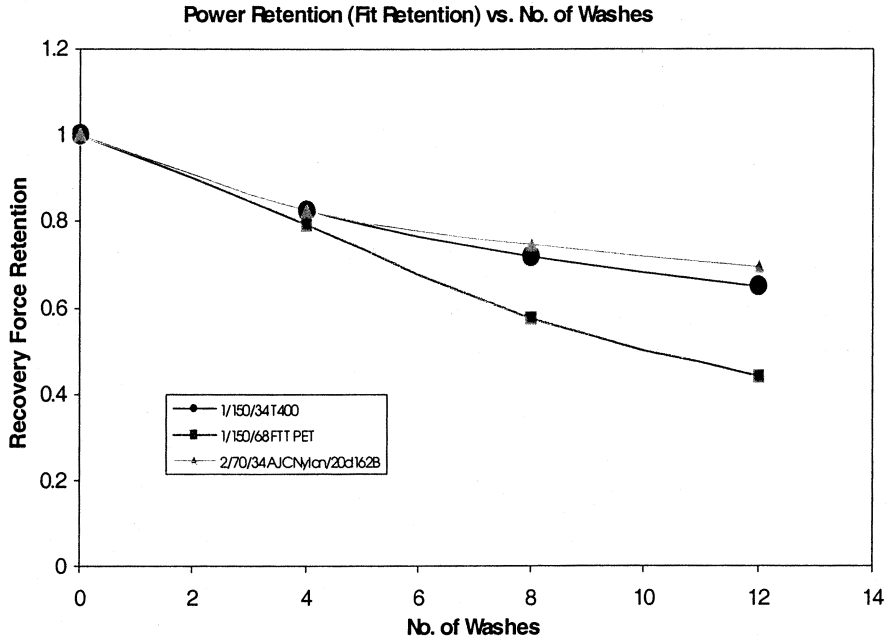
DuPont maintains that the ability of a yarn to recover effectively after being stretched is the key to producing quality stretch fabric. Air jet covered (AJC) spandex yarn (40d spandex with 150d polyester) having 9% by weight spandex was used as a yarn to benchmark recoverable stretch performance to provide quality stretch and recovery. Recoverable stretch measurements on a variety of yarns, including the AJC benchmark yarn, indicated 35% recoverable stretch as a minimum value for producing quality stretch fabrics. AJC spandex is accepted in the trade as the minimum recovery force product for creating quality stretch fabrics. DuPont compared the recoverable stretch of textured 2GT, textured 4GT, T400 and AJC spandex (9% by weight spandex) fibers using ASTM D6720 and the stretch of fabrics woven from those yarns. Results are summarized in the table below.

Yarn	2GT	4GT	T400	AJC spandex (9%)
Recoverable Stretch (%)	21	28	37	38
Woven Fabric Stretch (%)	10	9	23	21

According to DuPont, the data support the conclusions that a yarn having 35% recoverable stretch produces a high quality stretch fabric, while a yarn having a recoverable stretch of 28% does not produce a high quality stretch fabric. DuPont further opined, based on the research it has conducted, that 20% minimum fabric elongation (stretch) is required to insure garment comfort.

2. DuPont further stated that an additional distinctive property of T400 is that its superior stretch and recovery does not degrade over time as compared to textured fibers, including polyesters. DuPont has conducted testing to demonstrate the degradation of stretch and recovery over time due to home laundering. In this test, fabric samples were washed in an automatic washer with 105 degree F (+/−5 degrees) water, detergent, and one cup of chlorine bleach, and dried at 155 to 160 degrees F for the number of repetitions indicated.

Similar knit samples of a Lycra spandex and nylon blend (identified as 2/70/34 AJC Nylon/20d 162B), a 15% T400 and combed cotton blend (identified as 1/150/34 T400) and a 15% textured 2GT polyester and combed cotton blend (identified as 1/150/68 FTT PET) were washed repeatedly and tested for stretch and recovery. A chart illustrating the data follows.



According to DuPont, the data show that the stretch and recovery resulting from the inherent stretch from fiber structure, as represented by the spandex and T400 samples, degrade substantially less than does mechanically induced texturizing in rigid fibers after repeated laundering. When the effect of the lower initial power of the textured fabric is considered, the fabric with T400, after 12 washings, still has approximately 100% of the power of the textured fabric when new. With the same number of washes, the textured fabric has less than 45% of the power of the T400 fabric.

The chart above displays the residual recovery force of three types of knitted fabrics after a series of washings. The initial power, or recovery force, of the three knits measured before they were washed was used as the reference for the data in the chart. This zero wash cycle value was measured as the unload force at 140% elongation on the third cycle. The zero wash cycle values are as follows:

Sample	0 wash recovery force (gm)
1/150/34 T400	73
1/150/68 FTT PET	46
2/70/34 AJC Nylon/20d 162B	96

3. The physical properties of T400, 4GT, 3GT, and 2GT polyester fibers are

summarized in the table below. DuPont explained that the uniqueness of T400 is derived from the natural helical coil imparted by the differential shrinkage of the two polymer components. This polymer choice, combined with spinning technology, offers the differential shrinkage of the two components.

Fiber properties	T400	4GT	3GT	2GT
Recoverable Stretch	37%–68%	28%	27%	21%.
Stress/Strain	High Power, stretch.			
Cross-Section	Bicomponent non-homogeneous mix of two different polymers.	Irregular, homogeneous polymer.	Irregular, homogeneous polymer.	Irregular, homogeneous polymer.
Crimp	Consistent, regular, helical	Irregular	Irregular	Irregular.
Torque	Torque-free	Twist-lively	Twist-lively	Twist-lively.
Heat Set Temperature (F)	320–350	360–370	320	350–370.
Dye Temperature (F)	212–265	212	212	255–265.
Melting Point (F) measured by DSC.	444 and 484	439	446	487.
Glass Transition Temperature (F) measured by DSC.	149		122	165.
Tenacity (g/d)	3.8	2.7	2.6	4.3.
Initial Modulus (g/d)	40	18.6	15	48.
Extension @ Break (%)[5]	27	37	41	16.5.
Specific Gravity	1.36	1.32	1.35	1.39.
Yarn Crimp Extension (%)[6]	275	233	246	213.
Yarn Set (%)[7].				
2% Elongation	1.3	1.8	1.5	1.5.
5% Elongation	3.0	4.1	3.7	3.6.
10% Elongation	6.2	6.3	6.3	7.1.

4. Dupont maintains that T400's distinctivestretch and recovery properties are of importance to the general public.DuPont stated that it has conducted extensive consumer research to identifythe characteristics that consumers want for their clothes and on the appeal of stretch fabrics.[8] According to DuPont, globally, 74% of the population believe that stretch is not a fad, but is here to stay. DuPont contended that the appeal of stretch in garments is very high across age, sex and geographical boundaries. When men and women are asked to identify the value of the functional benefits of Lycra spandex in clothing, approximately 80% of men and women list the following: Comfort, freedom of movement, wrinkle/crease resistance, shape retention, fit, easy care. DuPont contends that consumers equate stretch with comfort, and that this is a distinctive property of importance to consumers.

C. T400's Distinctive Feature(s) Allegedly Make the Fiber Suitable for Uses for Which Other Polyester Fibers Would Not Be Suited, or Would Be Significantly Less Well Suited

DuPont asserted that T400 is suitable for uses for which polyester fibers are not suited, or not as well suited. DuPont's petition stated:

> T400 with inherent stretch will satisfy consumer demands for comfort, freedom of movement, shape retention and fit where textured fibers can not or can not as well. The difference will be noticeable to consumers with fabric stretch values 35–50% above [fabrics] made with textured yarns. T400 exhibits a much higher level of stretch than is possible with texturizing and, more significantly, it has recovery power that lasts. Inherent stretch built into the fiber structure does not degrade over time like the mechanical crimping of rigid polyester fibers. As a result, sweaters and sweatpants made with T400 will not sag like textured polyesters after normal use and numerous washings.

DuPont retained Arbor, Inc. of Media, Pennsylvania to conduct a qualitative, blind fabric focus group study with 18 consumers for the purpose of obtaining consumer reactions to fabrics constructed of textured 4GT, T400 and Lycra (spandex) blends with cotton. DuPont stated that, according to these consumers, the characteristics of the T400 blend fabrics seem to more closely resemble the characteristics of fabrics made with Lycra spandex fibers than fabrics made with a polyester or polyester/cotton blend. The fabrics made with T400 and Lycra spandex were viewed to have more stretch. There were varying views on whether the fabrics with T400 or the ones with Lycra spandex had the most stretch, but both were viewed as having stretch. The polyester fabrics were viewed to have little, if any, stretch. According to DuPont, this subjective evidence supports the conclusion that textured polyesters are not suitable or not as suitable for imparting the stretch to garments that consumers expect, and that T400 is a suitable stretch component.[9]

Finally, DuPont argued that granting the petition would facilitate the use of this fiber in consumer applications.[10] It also stated that a new generic term (like elasterell-p) would help consumers identify products made from T400. Thus, DuPont maintained that a new generic fiber subclass name would be important to the public at large, not just knowledgeable professionals.

IV. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial

[5] Extension @ Break expresses extension after the ''uncrimping'' or ''yarn crimp extension'' section of the force extension curves, as on page 4 of DuPont's first supplemental petition, has been removed.

[6] Yarn crimp extension is a measure of the ''uncrimping'' section of the force extension curve and was measured as follows: a 5,000 denier skein was boiled off to fully develop yarn crimp. The yarn length with 2.5 gr force was recorded (L 2.5). The skein was cycled three times to 1030 gr (L 1030) approximating a load that fully extends the yarn to uncrimp it. The extension is measured as 100% x (L 1030–L 2.5)/(L 2.5).

[7] Measured in accordance with ASTM D1774.

[8] Some of this research is documented in the brochure ''Lycra Brand Consumer Insights,'' attached as Exhibit 1 to DuPont's February 5, 2001 Petition.

[9] The executive summary of this study is included in DuPont's first supplemental petition dated March 18, 2001.

[10] Addressing the extent to which its fiber has been put into active commercial use, DuPont stated in its petition that it expected production capacity of T400 to expand to several thousand tons by the end of 2001. DuPont also expects that products manufactured from T400 will be consumed primarily in the United States and Europe.

regulatory analysis (5 U.S.C. 603–604) are not applicable to this proposal because the Commission believes that the amendment, if promulgated, will not have a significant economic impact on a substantial number of small entities. The Commission has tentatively reached this conclusion with respect to the proposed amendment because the amendment would impose no additional obligations, penalties or costs. The amendment simply would allow covered companies to use a new generic name for a new fiber that may not appropriately fit within current generic names and definitions. The amendment would impose no additional labeling requirements.

To ensure that no substantial economic impact is being overlooked, however, the Commission requests public comment on the effect of the proposed amendment on costs, profits, and competitiveness of, and employment in, small entities. After receiving public comment, the Commission will decide whether preparation of a final regulatory flexibility analysis is warranted. Accordingly, based on available information, the Commission certifies, pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed amendment, if promulgated, would not have a significant economic impact on a substantial number of small entities.

V. Paperwork Reduction Act

This proposed amendment does not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 109 Stat. 163) and its implementing regulations. (5 CFR 1320 *et seq.*) The collection of information imposed by the procedures for establishing generic names (16 CFR 303.8) has been submitted to OMB and has been assigned control number 3084–0101.

List of Subjects in 16 CFR Part 303

Labeling, Textile, Trade practices.

Authority: Sec. 7(c) of the Textile Fiber Products Identification Act (15 U.S.C. 70e(c)).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–3195 Filed 2–14–02; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08–01–035]

RIN 2115–AE47

Drawbridge Operation Regulations; Missouri River (Missouri)

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commander, Eighth Coast Guard District proposes to change the regulation governing the operation of the A–S–B Railroad Drawbridge, Mile 365.6, Missouri River between North Kansas City, Kansas and Kansas City, Missouri. The existing regulation prescribes a procedure for requesting an opening of the drawspan which significantly differs from the current procedure used, and contains wrong information. The change is necessary to reconcile the regulation to the current operating procedure.

DATES: Comments must reach the Coast Guard on or before April 16, 2002.

ADDRESSES: Material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD 08–01–035 and are available for inspection or copying at room 2.107f in the Robert A. Young Federal Building at Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Roger K. Wiebusch, Bridge Administrator (obr), Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832, at (314)539–3900, extension 378.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, view or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 08–01–035) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8 ½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Coast Guard district bridge office at the address under **ADDRESSES.** The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Regulatory History

Prior to 1985, 33 CFR 117.411(b) and 117.687(b) required the A–S–B Railroad Drawbridge to open on signal for the passage of vessels. In October 1983, the bridge owner proposed remote operation of this bridge and the adjacent Hannibal Railroad Drawbridge, Mile 366.1, Missouri River. On May 17, 1984, a Notice of Proposed Rulemaking to operate the A–S–B Railroad Drawbridge from a remote location was published in the **Federal Register**. The proposal was to change the operation of the bridge from an onsite operator to a bridge/train controller remotely located in a tower in a nearby rail yard. The proposed rule required the bridge to be equipped with a directional microphone and horn for communicating with vessels that did not possess a radiotelephone. It also provided for the installation of closed circuit TV cameras at various locations to enable the remote bridge/train controller to view both river traffic and the bridge. The proposed rule also described the manner in which communications would be established and maintained between the remote bridge train controller and approaching vessels, and delineated the light signals to be used. In June 1984, the bridge owner informed the Coast Guard that the bridge/train controller for the A–S–B Railroad Drawbridge could not be at the remote location identified in the proposed rule. Instead, the bridge/train controller would be located at the Hannibal Railroad Drawbridge. The communications and control of the A–S–B Railroad Drawbridge as described in the proposed rule would remain with the bridge/train controller at the Hannibal Railroad Drawbridge. On October 30, 1985, a Final Rule was approved by the Coast Guard to allow remote operation of the A–S–B Railroad Drawbridge. On November 18, 1985, the Final Rule was published in the **Federal Register**, with an effective date of December 18, 1985. Immediately following publication of the final rule,

the bridge owner informed the Coast Guard they would not follow the regulation as promulgated. Since then, several attempts have been made to change the operation of the drawbridge to comply with the existing regulation. The most recent attempt was in December 1997. Actions to bring the operation of the bridge into compliance were identified but never implemented.

Background and Purpose

The Burlington Northern Santa Fe Railroad (BNSF) owns and operates the A–S–B Railroad Drawbridge, Mile 365.6, Missouri River, between North Kansas City, Kansas and Kansas City, Missouri. In 1985, the current drawbridge operation regulations became effective. The intent of the regulations was to authorize remote operation of the A–S–B Drawbridge and to facilitate management of frequent train and vessel movements. Since 1985, there have been numerous reported vessel delays due to drawbridge operations. A review of the causes of the delays revealed that the bridge is not operated as required by the regulations, in part, from confusion about the proper procedure.

The differences between the regulation and current operating procedures were identified and discussed at a meeting between railroad personnel, waterway users and Coast Guard personnel. The current procedure for obtaining a bridge opening was reviewed and determined to be effective. The consensus of the group was that the regulations have not been followed for many years, but the current method used to request a bridge opening was effective, and the regulations should be changed to reflect the current method of operation.

Discussion of Proposed Rule

The A–S–B Railroad Drawbridge is a vertical lift drawbridge that crosses the Missouri River between North Kansas City, Kansas and Kansas City, Missouri. It is located .5 mile downstream from the Burlington Northern Santa Fe's Hannibal Railroad Drawbridge, a swing span bridge. A drawtender is located on the Hannibal Drawbridge, but not on the A–S–B Railroad Drawbridge. The A–S–B Railroad Drawbridge has never operated in accordance with the existing regulation. The proposed rule will delete the existing regulation for operation of this bridge and require it to operate in the same manner as all other drawbridges on the Missouri River. 33 CFR 117.411 and 117.687 require bridges on the Missouri River to open on signal except that, from December 16 through the last day of February, the draw shall open on signal if at least 24 hours notice is given. The proposed rule will have the A–S–B Railroad Drawbridge operate just as the adjacent Hannibal Railroad Drawbridge is required to do. Waterway users are accustomed to the current operating method. Eliminating the existing regulation and implementing the proposed regulation will not impact waterway users.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under Section 6(a)(3) of that Order. It has been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). Since the Coast Guard expects the economic impact of this proposed rule to be minimal a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Deleting 33 CFR 117.411(b) and 117.687(b) is strictly administrative since the current bridge operates in accordance with the existing requirements of 33 CFR 117.411(a) and 117.687(a).

Indian Tribal Governments

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

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Any individual that qualifies or, believes he or she qualifies as a small entity and requires assistance with the provision of this rule, may contact Mr. Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, Bridge Branch at (314) 539–3900, extension 378.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1888–REG–FAIR (1–888–734–3247).

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that in accordance with Figure 2–1, (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. The subject regulation change is procedural in nature, in that it is updating an existing procedure. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

§ 117.411 [Amended]

2. In § 117.411, remove paragraph (b) and remove the paragraph designation (a).

§ 117.687 [Amended]

3. In § 117.687, remove paragraph (b) and remove the paragraph designation (a).

Dated: February 6, 2002.

Roy J. Casto,

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

[FR Doc. 02–3693 Filed 2–14–02; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[FRL–7145–5]

National Ambient Air Quality Standards for Ozone; Notice of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meetings.

SUMMARY: The purpose of this document is to announce that EPA has scheduled two public meetings to solicit comments on various options to implement the 8-hour ozone national ambient air quality standard (NAAQS). The options contain EPA's preliminary views and are intended to initiate a dialogue with the public on approaches for implementing the 8-hour ozone NAAQS. The EPA is interested in hearing the views from interested stakeholders on the options that we've developed and their ideas on how to best implement the 8-hour ozone NAAQS consistent with the Supreme Court's decision in *Whitman* v. *American Trucking Association.* An overarching issue that EPA would like public input on is how EPA should address the Supreme Court's holding that subpart 2 of part D of title I of the Clean Air Act (CAA) applies for purposes of classifying areas under a revised ozone NAAQS.

DATES: The two, 1-day meetings will be held from 9 a.m. to 5 p.m. (EST) on Tuesday, March 5, 2002, in Alexandria, Virginia, and on Thursday, March 7, 2002, in Atlanta, Georgia.

ADDRESSES: The March 5, 2002 meeting will be held at: Radisson Old Town, 901 N. Fairfax Street, Alexandria, Virginia. The March 7, 2002 meeting will be held at: Renaissance Concourse Hotel, 1 Hartsfield Centre Parkway, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: For general information on the meetings, contact: Denise M. Gerth, U.S. EPA, Office of Air Quality Planning and Standards, C539–02, Research Triangle Park, NC 27711, phone (919) 541–5550, or e-mail: *gerth.denise@epa.gov.* To register for the meeting, please contact: Barbara Bauer, E.H. Pechan and Associates, Durham, NC, phone (919) 493–3144, extension 188, or e-mail: *barbara.bauer@pechan.com.*

SUPPLEMENTARY INFORMATION: On July 18, 1997, EPA revised the ozone NAAQS (62 FR 38856). At that time, EPA indicated it would implement the 8-hour ozone NAAQS under the less detailed requirements of subpart 1 of part D of title I of the CAA rather than more detailed requirements of subpart 2 requirements. Various industry groups and States challenged EPA's final rule promulgating the 8-hour ozone NAAQS in the U.S. Court of Appeals for the District of Columbia Circuit.[1] In May 1999, the Appeals Court remanded the ozone standard to EPA on the basis that EPA's interpretation of its authority under the standard-setting provisions of the CAA resulted in an unconstitutional delegation of authority. *American Trucking Assns., Inc.* v. *EPA*, 175 F.3d 1027, *aff'd*, 195 F.3d 4 (D.C. Cir. 1999). In addition, the Court held that EPA improperly interpreted the statute to provide for implementation of the 8-hour standard under subpart 1, but also determined that EPA could not implement a revised ozone standard under subpart 2. The EPA sought review of these two issues by the U.S. Supreme Court. In February 2001, the Supreme Court upheld the constitutionality of the air quality standard setting. *Whitman* v. *American Trucking Assoc.*, 121 S.Ct. 903. In addition, the Supreme Court held that EPA has authority to implement a revised ozone standard but that EPA could not ignore subpart 2 when implementing the 8-hour standard. Specifically, the Court noted EPA could not ignore the provisions of subpart 2 that ''eliminate[s] regulatory discretion'' allowed by subpart 1. After determining that EPA could not ignore the provisions of subpart 2, the Court went on to identify several portions of the classification scheme that are ''ill-fitted'' to the revised standard, but left it to EPA to develop a reasonable approach for implementation. Any implementation approach that EPA develops must address the requirements of the CAA, as interpreted by the Supreme Court.

The EPA has initiated a process to obtain stakeholder feedback on options the Agency is developing for implementation of the 8-hour ozone NAAQS. The EPA plans to issue a final rule on the implementation strategy prior to designating areas for the 8-hour ozone NAAQS. The implementation

[1] On July 18, 1997, EPA also promulgated a revised particulate matter (PM) standard (62 FR 38652). Litigation on the PM standard paralleled the litigation on the ozone standard and the court issued one opinion addressing both challenges.

rule will provide specific requirements for State and local air pollution control agencies and tribes to prepare implementation plans to attain and maintain the 8-hour NAAQS. States with areas that are not attaining the 8-hour ozone NAAQS will have to develop—as part of its State implementation plan (SIP)—emission limits and other requirements to attain the NAAQS within the time frames set forth in the CAA.[2] Tribal lands that are not attaining the 8-hour ozone standard may be affected, and could voluntarily submit a tribal implementation plan (TIP), but would not be required to submit a TIP. However, in cases where a TIP is not submitted, EPA would have the responsibility for planning in those areas.

The EPA is holding these meetings in order to obtain stakeholder feedback regarding the options that EPA has developed as well as to listen to any new or different ideas that stakeholders may be interested in presenting. In order to provide for more focused discussions, EPA is structuring these meetings to allow for an introductory session followed by four breakout sessions that attendees will rotate through in order to be involved in discussions of all the issues. The breakout sessions will cover the following topics: (1) Classifications and attainment dates; (2) nonattainment designations; (3) growth and its impact upon SIPs; and (4) other general SIP issues. A wrap up session will be held before adjourning. New Source Review (NSR) programs that accompany nonattainment designations will not be the subject of these meetings since the EPA is currently considering whether and how to change the NSR program regulations in other contexts. The EPA has placed a variety of materials regarding implementation options, and which will be the focus of the meetings, on the Website: *www.epa.gov/ttn/rto/ozonetech/o3imp8hr/o3imp8hr.htm.* Additional material will be placed on the website as they are developed. Anyone interested in attending the meetings should check the website for new material on a regular basis prior to the meetings.

The materials that are available on the website are also available at: Air and Radiation Docket and Information Center, Docket Number A–2001–31, U.S. EPA, 401 M Street, SW., Room M–1500 (Mail Code 6102), Washington, DC 20460. The docket is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

Dated: February 8, 2002.

Jeffrey S. Clark,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 02–3748 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

[2] The CAA requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 27, 90 and 95

[WT Docket No. 02–08; FCC 02–15]

Reallocation of the 216–220 MHz, 1390–1395 MHz, 1427–1429 MHz, 1429–1432 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz Government Transfer Bands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission proposes to establish new service rules for licensing a total of 27 megahertz of spectrum transferred from Government to non-Government use. The Commission seeks comment on the flexibility that should be afforded new or incumbent licensees, and the technical and other service rules that should govern the range of existing and proposed services. The comments will aid the Commission on how best to utilize these bands to provide valuable services to the public. Additionally, the Commission seeks comments on a petition for rulemaking filed on March 6, 2000, by Data Flow Systems, Inc., requesting amendment of the Commission's rules. The Commission also seeks comments on a proposal filed by Securicor Wireless Holdings, Inc.

DATES: Written comments on the proposed rule are due on or before March 4, 2002, and reply comments are due on or before March 18, 2002.

ADDRESSES: Parties who choose to file comments by paper must file an original and four copies to William F. Caton, Acting Secretary, Office of the Secretary, Federal Communications Commission, 445 12th St., SW., Room TW–A325, Washington, DC 20554. Comments may also be filed using the Commission's Electronic Filing System, which can be accessed via the Internet at www.fcc.gov/e-file/ecfs.html.

FOR FURTHER INFORMATION CONTACT: Zenji Nakazawa, Wireless Telecommunications Bureau, at (202) 418–0680, via e-mail at *znakazaw@fcc.gov*, via TTY (202) 418–7233 or Nese Guendelsberger, Wireless Telecommunications Bureau, Auctions and Industry Analysis Division, at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Notice of Proposed Rule Making, FCC 02–15, adopted on January 22, 2002, and released on February 06, 2002. The full text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554. The complete text with the summarized band plan chart may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: www.fcc.gov. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365.

1. In this Notice of Proposed Rulemaking (*NPRM*), we propose new service rules for licensing a total of 27 megahertz of spectrum from the 216–220 MHz, 1390–1395 MHz, 1427–1429 MHz, 1429–1432 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz bands. This spectrum was transferred from Government to non-Government use pursuant to the provisions of the Omnibus Budget Reconciliation Act of 1993 (OBRA–93) and the Balanced Budget Act of 1997 (BBA–97).

2. The service rules proposed in the *NPRM* include provisions for licensing, technical (and operating) rules, competitive bidding, and interference standards. We note that portions of this spectrum are currently available and utilized by existing non-Government licensees. We solicit public comment on the flexibility that should be afforded new or incumbent licensees, and the technical and other service rules that should govern the range of existing and proposed services. We also anticipate authorizing new primary services in the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz, 1670–1675 MHz, and 2385–2390 MHz bands.

3. We generally seek comment on the following issues under consideration for all of these bands:

- Whether to authorize new services under part 27 or part 101 of our rules;
- Whether to license new services by geographic service areas;
- Whether to license band managers in any of these bands;
- Whether to provide for partitioning and disaggregation of licensed spectrum; and

• Whether to adopt technical rules in order to prevent in-band and out-of-band interference.

4. We also address several issues relating to existing services currently operating in these bands. We seek comment on the following issues:

• Whether secondary telemetry in the 217–220 MHz and 1427–1429.5 MHz bands should be licensed on a site-by-site basis;

• Whether primary telemetry in the 1429.5–1432 MHz band should be licensed on a site-by-site basis;

• Whether to add technical specifications to Part 90 of our Rules for telemetry operations;

• Whether to apply the frequency coordination procedures of Section 90.175 to authorization of future secondary telemetry operations.

5. Additionally, we propose service rules to augment the framework established in the *Reallocation Report and Order,* 67 FR 6172, February 11, 2002, ET Docket 00–221, FCC 01–382, that requires non-Federal Government users to coordinate with co-primary Federal Government incumbents. In this regard, we seek comment on the following issues:

• Blanket coordination for LPRS;

• Coordination of site-by-site and geographic area licensees with Federal Government incumbents;

• Coordination procedures for licensees operating in the 1670–1675 MHz band near the METSAT station located at Greenbelt, MD.

6. With respect to non-Government incumbents who will remain in these bands, we seek comment on the following issues:

• Coordination procedures for licensees in the 2385–2390 MHz band operating near non-Government aeronautical flight test telemetry sites;

• Interim coordination procedures for terrestrial licensees along the Canadian and Mexican borders.

7. In accordance with section 309(j) of the Communications Act, if we adopt a licensing scheme under which mutually exclusive applications are accepted for filing, we must resolve such mutually exclusive applications by competitive bidding. We propose to conduct the auction of such licenses in conformity with the general competitive bidding rules set forth in part 1, subpart Q, of the Commission's rules. We also propose the use of bidding credits for small entities that participate in auctions of licenses in the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz, 1670–1675 MHz, and 2385–2390 MHz bands as well as the unpaired 1429.5–1432 MHz portion and seven geographic carved out areas for primary telemetry in the 1427–1429.5 MHz portion of the 1.4 GHz band.

8. Additionally, we seek comment on a petition for rulemaking filed on March 6, 2000, by Data Flow Systems, Inc., requesting that the Commission amend §§ 90.35 and 90.259 of the Commission's Rules to allow the use of fixed telemetry in the 216–220 MHz band. We also seek comment on a proposal filed by Securicor Wireless Holdings, Inc. (Securicor) in response to the *Reallocation Notice*, 66 FR 7443, January 23, 2001. Securicor seeks to license ''white-space'' in the 216–220 MHz band similar to the paradigm established for land mobile use of the 220–222 MHz band. Lastly, we request comment on a proposal submitted by Warren Havens (Havens) that seeks the creation of a new ''Advanced Technologies 220 MHz'' Service in the 216–225 MHz band.

9. In a companion proceeding in ET Docket 00–221, the Commission recently reallocated the spectrum that is the subject of this *NPRM*. In response to that rulemaking, various parties recommended proposals on how best to utilize these bands to provide valuable services to the public. Because we now consider service rules regarding this spectrum, we hereby incorporate by reference the record previously developed in that proceeding leading to the *Reallocation Report and Order*.

I. Procedural Matters

10. *Ex Parte Rules.* For purposes of this permit-but-disclose notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed under the Commission's rules.

11. *Pleading Dates.* Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before March 4, 2002, and reply comments on or before March 18, 2002. Comments and reply comments should be filed in WT Docket No. 02–08. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, interested parties must file an original and four copies of all comments, reply comments, and supporting comments. If interested parties want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Interested parties should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 Twelfth Street, SW., Washington, DC 20554, with a copy to Dana Davis, Wireless Telecommunications Bureau, Room 4–C216, 445 Twelfth Street, SW., Washington, DC 20554.

12. *Comments* may also be filed using the Commission's Electronic Comment Filing System (ECFS). Comments filed through the ECFS can be sent as an electronic file via the Internet to <*http://www.fcc.gov/e-file/ecfs.html*>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

13. Comments and reply comments will be available for public inspection during regular business hours at the FCC Reference Information Center, Room CY–A257, at the Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. Copies of comments and reply comments are available through 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.*

II. Initial Regulatory Flexibility Analysis for Notice of Proposed Rule Making

14. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the (*NPRM*), WT Docket No. 02–08. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *NPRM* as provided previously. The Commission will send a copy of the *NPRM*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Legal Basis for Proposed Rules

15. The proposed action is authorized under sections 1, 4(i), 302, 303(f) and (r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 1, 154(i), 302, 303(f) and (r), and 332.

B. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

16. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (i) Is independently owned and operated; (ii) is not dominant in its field of operation; and (iii) satisfies any additional criteria established by the Small Business Administration (SBA). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations. ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' As of 1992, there were approximately 85,006 governmental entities in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96%, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96%) are small entities.

17. With respect to the 1390–1395 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz bands, the Commission has not yet determined how many licenses will be awarded and does not know how many licensees will partition their license areas or disaggregate their spectrum blocks, if partitioning and disaggregation are allowed. Moreover, the Commission does not yet know how many applicants or licensees in these bands will be small entities. We therefore assume that, for purposes of our evaluations and conclusions in the IRFA, all prospective licensees are small entities, as that term is defined by the SBA or by our proposed small business definitions for these bands. We invite comment on this analysis.

18. Existing services in other bands include entities that might be affected by the proposed rules, either as existing licensees or potential applicants or licensees. Incumbent services in the 216–220 MHz band include the Automated Maritime Telecommunications Service (AMTS), the ''218–219 MHz'' Service, the Low Power Radio Service (LPRS) and telemetry. Incumbent services in the 1427–1429.5 MHz and 1429.5–1432 MHz bands include wireless medical telemetry (WMTS) and general telemetry.

19. *AMTS.* For future auctions in the AMTS, the Commission has proposed to define small businesses as those entities, together with their affiliates and controlling interests, with not more than $15 million in average gross revenues for the preceding three years, and very small businesses as those entities, together with their affiliates and controlling interests, with not more than $3 million in average gross revenues for the preceding three years. Currently, there are only three AMTS licensees, none of whom are small businesses. However, potential licensees in AMTS include all public coast stations, which are classified by the Small Business Administration as Radiotelephone Service Providers, Standard Industrial Classification Code 4812. The Commission does not yet know how many applicants or licensees in these bands will be small entities. We therefore assume that, for purposes of our evaluations and conclusions in the IRFA, all prospective licensees are small entities, as that term is defined by the SBA or by our proposed small business definitions for these bands.

20. *''218–219 MHz'' Service.* For the first auction of the ''218–219 MHz'' Service the Commission defined a small business as an entity, together with its affiliates, that has no more than a $6 million net worth and, after federal income taxes (excluding any carry over losses), has no more than $2 million in annual profits each year for the previous two years. For that auction, 170 entities won licenses for 594 Metropolitan Statistical Area (MSA) licenses. Of the 594 licenses, 557 were won by entities qualifying as a small business. Subsequently, the Commission changed the service rules and defined small businesses as those entities, together with their affiliates and controlling interests, with not more than $15 million in average gross revenues for the preceding three years, and very small businesses as those entities, together with their affiliates and controlling interests, with not more than $3 million in average gross revenues for the preceding three years. We cannot estimate, however, the number of licenses that will be won by entities qualifying as small businesses under our rules in future auctions of 218–219 MHz spectrum licenses. Given the success of small businesses in the first auction, we assume for purposes of this IRFA that in future auctions all of the licenses in the ''218–219 MHz'' Service may be awarded to small businesses.

21. *Low Power Radio Service.* The Low Power Radio Service permits licensees to use the 216–217 MHz segment for auditory assistance, medical devices, and law enforcement tracking devices. Users are likely to be theaters, auditoriums, churches, schools, banks, hospitals, and medical care facilities. The primary manufacturer of auditory assistance estimates that it has sold 25,000 pieces of auditory assistance equipment. Many if not most LPRS users are likely to be small businesses or individuals. However, because the LPRS is licensed by rule, with no requirement for individual license applications or documents, the Commission is unable to estimate how many small businesses make use of LPRS equipment.

22. *Telemetry.* Incumbent telemetry operators in the 216–220 MHz band include entities such as Fairfield Industries, Inc. which perform geophysical exploration for underground oil and natural gas reserves. Incumbent non-medical telemetry operators in the 1427–1429.5 MHz and 1429.5–1432 MHz bands include Itron, Inc., Pueblo Service Company of Colorado and E Prime, Inc., and large manufacturers such as Deere and Company, Caterpillar, and General Dynamics. None of these licensees are likely to be small businesses. Itron, Inc. is the primary user of the 1427–1429.5 MHz and 1429.5–1432 MHz bands. Itron, Inc., with an investment of $100 million in equipment development, is not likely to be a small business. One licensee, Zytex, a manufacturer of high-speed telemetry systems, may be a small business. The Commission does not yet know how many applicants or licensees in these bands will be small entities. We therefore assume that, for purposes of our evaluations and conclusions in the IRFA, all prospective licensees are small entities.

23. *WMTS.* Users of medical telemetry are hospitals and medical care facilities, some of which are likely to be small businesses. According to the SBA's regulations, hospitals and nursing

homes must have annual gross receipts of $5 million or less in order to qualify as a small business concern. There are approximately 11,471 nursing care firms in the nation, of which 7,953 have annual gross receipts of $5 million or less. There are approximately 3,856 hospital firms in the nation, of which 294 have gross receipts of $5 million or less. Thus, the approximate number of small confined setting entities to which the Commission's new rules will apply is 8,247.

C. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

24. Applicants for licenses to provide terrestrial fixed and mobile services in the paired 1392–1395 MHz and 1432–1435 MHz bands, the unpaired 1390–1392 MHz band, the unpaired 1670–1675 MHz band, and the unpaired 2385–2390 MHz band will be required to submit short-form auction applications using FCC Form 175. In addition, winning bidders must submit long-form license applications through the Universal Licensing System using FCC Form 601, and other appropriate forms. Licensees will also be required to apply for an individual station license by filing FCC Form 601 for those individual stations that (i) require submission of an Environmental Assessment under Section 1.1307 of our Rules; (ii) require international coordination; (iii) would operate in the quiet zones listed in Section 1.924 of our Rules; or (iv) require coordination with the Frequency Assignment Subcommittee (FAS) of the Interdepartment Radio Advisory Committee (IRAC). We invite comment on how these filing requirements can be modified to reduce the burden on small entities.

D. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

25. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (ii) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (iii) the use of performance, rather than design standards; and (iv) an exemption from coverage of the rule, or any part thereof, for small entities.

26. We have reduced burdens wherever possible. To minimize any negative impact, however, we propose certain incentives for small entities that will redound to their benefit. These special provisions include partitioning and spectrum disaggregation. These provisions will allow smaller entities to overcome entry barriers. In addition, we seek comment on whether it would be appropriate to license the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz, 1670–1675 MHz and 2385–2390 MHz bands for fixed and mobile services using smaller geographical licensing areas. The use of smaller licensing areas could benefit small entities by reducing costs and build-out expenses.

27. We also propose the use of bidding credits for small entities that participate in auctions of licenses that are conducted pursuant to the rules proposed in this Notice. Thus, for the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz, 1670–1675 MHz, and 2385–2390 MHz bands, we propose to define an ''entrepreneur'' as an entity with average annual gross revenues not exceeding $40 million for the three preceding years and we propose to define a ''small business'' as an entity with average annual gross revenues not exceeding $15 million for the three preceding years. With respect to the 1427–1432 MHz band, in which we believe that the capital costs of providing primary telemetry service will in general be lower than the capital costs for the bands discussed above, we propose to define a ''small business'' as an entity with average annual gross revenues not exceeding $15 million for the three preceding years and a ''very small business'' as an entity with average annual gross revenues not exceeding $3 million for the three preceding years. We further propose to provide entrepreneurs with a bidding credit of 15 percent, small businesses with a bidding credit of 25 percent, and very small businesses with a bidding credit of 35 percent. We believe that these bidding credits will help small entities compete in our auctions and acquire licenses. We seek comment on our proposed small business definitions and bidding credits, including information on factors that may affect the capital requirements of the type of services a licensee may seek to provide.

28. The regulatory burdens we have retained, such as filing applications on appropriate forms, are necessary in order to ensure that the public receives the benefits of innovative new services in a prompt and efficient manner. We will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities. We seek comment on significant alternatives commenters believe we should adopt.

E. Report to Small Business Administration

29. The Commission will send a copy of this Notice of Proposed Rulemaking, including a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

30. None.

III. Ordering Clauses

31. Pursuant to sections 1, 4(i), 302, 303(f) and (r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 1, 154(i), 302, 303(f) and (r), and 332, *Notice is hereby given* of the proposed regulatory changes described in this *Notice of proposed rulemaking,* and that comment is sought on these proposals.

32. Pending applications to use the frequencies listed in § 90.259 of the Commission's Rules, 47 CFR 90.259, *Will be processed* provided that (i) they are not mutually exclusive with other applications as of February 6, 2002, nor with respect to the frequencies listed in Section 90.259, part of a proposed system that does not meet the requirements of our rules, without reference to any applications that are mutually exclusive with other applications as of February 6, 2002, and (ii) the relevant period for filing competing applications has expired as of that date. Pending applications to use those frequencies not meeting the above criteria *Will be held in abeyance* until the conclusion of this proceeding. We will determine later, in accordance with such new rules as are adopted, whether to process or return any such pending applications.

33. The Commission's Consumer Information Bureau, Reference Information Center, *Shall send* a copy of this *Notice of proposed rulemaking* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 1

Administrative, practice and procedure, Radio.

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 27

Communications common carriers, Radio.

47 CFR Part 90

Communications equipment, Radio, Reporting, recordkeeping requirements.

47 CFR Part 95

Communications equipment, Radio, Reporting, recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

For the reasons discussed in the preamble the Federal Communications Commission proposes to amend 47 CFR parts 1, 2, 27, 90 and 95 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e), unless otherwise noted.

2. Section 1.924(g)(1), (g)(2) and (g)(3) is revised to read as follows:

§ 1.924 Quiet zones.

* * * * *

(g) * * *

(1) Applicants and licensees planning to construct and operate a new or modified station within the area bounded by a circle with a radius of 100 kilometers (62.1 miles) that is centered on 37°56′47″ N, 75°27′37″ W (Wallops Island) or 64°58′36″ N, 147°31′03″ W (Fairbanks) or within the area bounded by a circle with a radius of 65 kilometers (40.4 miles) that is centered on 39°00′02″ N, 76°50′31″ W (Greenbelt) must notify the National Oceanic and Atmospheric Administration (NOAA) of the proposed operation. For this purpose, NOAA maintains the GOES coordination web page at *http://www.osd.noaa.gov/radio/frequency.htm*, which provides the technical parameters of the earth stations and the point-of-contact for the notification. The notification shall include the following information: Requested frequency, geographical coordinates of the antenna location, antenna height above mean sea level, antenna directivity, emission type, equivalent isotropically radiated power, antenna make and model, and transmitter make and model.

(2) When an application for authority to operate a station is filed with the FCC, the notification required in paragraph (g)(1) of this section should be sent at the same time. The application must state the date that notification in accordance with paragraph (g)(1) of this section was made. After receipt of such an application, the FCC will allow a period of 20 days for comments or objections in response to the notification.

(3) If an objection is received during the 20-day period from NOAA, the FCC will, after consideration of the record, take whatever action is deemed appropriate.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

3. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336 unless otherwise noted.

4. Section 2.106 is amended by revising footnotes US350 and US362 to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

United States (US) Footnotes

* * * * *

US350 In the bands 608–614 MHz and 1395–1400 MHz the Government and non-Government land mobile service is limited to medical telemetry and medical telecommand operations. Availability and use of medical telemetry and telecommand and non-medical telemetry and telecommand in the bands 1427–1429.5 MHz and 1429.5–1432 MHz are described in the following table:

Location (see §§ 90.259 and 95.630 of this chapter for a detailed description)	1427–1429.5 MHz	1429.5–1432 MHz
Austin/Georgetown, Texas; Battle Creek, Michigan; Detroit, Michigan; Pittsburgh, Pennsylvania; Richmond/Norfolk, Virginia; Spokane, Washington; Washington, DC, metropolitan area.	Non-Governement land mobile service is limited to telemetry and telecommand operations. Government and non-Government land mobile service is limited to medical telemetry and telecommand operations on a secondary basis.	Government and non-Government land mobile service is limited to medical telemetry and telecommand operations. Non-Government telemetry and telecommand use is permitted on a secondary basis.
Rest of U.S.	Government and non-Government land mobile service is limited to medical telemetry and telecommand operations. Non-Government telemetry and telecommand use is permitted on a secondary basis.	Non-Government land mobile service is limited to telemetry and telecommand operations.

* * * * *

US362 The band 1670–1675 MHz is allocated to the meteorological-satellite service (space-to-Earth) on a primary basis for Government use. Earth station use of this allocation is limited to Wallops Island, VA (37°56′47″ N, 75°27′37″ W), Fairbanks, AK (64°58′36″ N, 147°31′03″ W), and Greenbelt, MD (39°00′02″ N, 76°50′31″ W). Applicants for non-Government stations within 100 kilometers of the Wallops Island or Fairbanks coordinates and within 65 kilometers of the Greenbelt coordinates shall notify NOAA in accordance with the procedures specified in 47 CFR 1.924.

* * * * *

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

5. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

6. Section 27.4 is amended by adding the following definition in alphabetical order to read as follows:

§ 27.4 Terms and definitions.

* * * * *

Band Manager. The term *Band Manager* refers to a licensee in the 1390–1392 MHz, 1392–1395 MHz, 1432–1435 MHz, 1670–1675 MHz and 2385–2390 MHz bands that functions solely as a spectrum broker by subdividing its licensed spectrum and making it available to system operators or directly to end users for fixed or

mobile communications consistent with Commission Rules. A *Band Manager* is directly responsible for any interference or misuse of its licensed frequency arising from its use by such non-licensed entities.

* * * * *

7. Add Subpart I to part 27 to read as follows:

Subpart I—1.4 GHz Service

Sec.
27.801 Scope.
27.802 Permissible communications.
27.803 Coordination requirements.
27.804 Geographic partitioning and spectrum disaggregation.
27.805 1.4 THz Service licenses subject to competitive bidding.
27.806 Designated entities.

§ 27.801 Scope.

This subpart sets out the regulations governing service in the paired 1392–1395 MHz and 1430–1432 MHz bands as well as the unpaired 1390–1392 MHz band (1.4 GHz Service).

§ 27.802 Permissible communications.

Licensees in the paired 1392–1395 MHz and 1430–1432 MHz bands and unpaired 1390–1392 MHz band are authorized to provide fixed or mobile service, except aeronautical service, subject to the technical requirements of this subpart.

§ 27.803 Coordination requirements.

(a) Licensees in the 1.4 GHz Service will be issued geographic area licenses.

(b) Licensees in the 1.4 GHz Service must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under Part 1, § 1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed in Part 1, § 1.924 of this chapter; or

(4) That requires approval of the Frequency Advisory Subcommittee (FAS) of the Interdepartment Radio Advisory Committee (IRAC). Stations that require FAS approval are as follows:

(i) Licensees in the 1390–1392 MHz and 1392–1395 MHz band must receive FAS approval prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government sites listed in footnote US351 of § 2.106.

(ii) Licensees in the 1432–1435 MHz band must receive FAS approval, prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government sites listed in footnote US361 of § 2.106 of this chapter.

(c) Prior to construction of a station, a 1.4 GHz licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(d) It is the licensee's responsibility to determine whether an individual station needs referral to the Commission.

(e) The notification required in paragraph (b) of this section must be filed on the Universal Licensing System.

§ 27.804 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 1.4 GHz licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 1.4 GHz licensee and is subject to the obligations and restrictions on the 1.4 GHz license as set forth in this subpart.

§ 27.805 1.4 GHz Service licenses subject to competitive bidding.

Mutually exclusive initial applications for 1.4 GHz Service licenses in the paired 1392–1395 MHz and 1430–1432 MHz bands as well as the unpaired 1390–1392 MHz and 1429.5–1432 MHz bands are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 27.806 Designated entities.

(a) Eligibility for small business provisions for 1.4 GHz Service licenses in the paired 1392–1395 MHz and 1430–1432 MHz bands and the unpaired 1390–1392 MHz band.

(1) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $15 million for the preceding three years.

(2) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $40 million for the preceding three years.

(3) A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(1) of this section. A consortium of entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(2) of this section.

(4) For purposes of determining whether an entity meets any of the definitions set forth in paragraphs (a)(1), (a)(2), or (a)(3) of this section, the gross revenues of the entity, its controlling interests and affiliates shall be considered in the manner set forth in § 1.2110(b) and (c) of this chapter.

(b) A winning bidder that qualifies as a very small business or a consortium of very small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(i) of this chapter. A winning bidder that qualifies as a small business or a consortium of small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

8. Add subpart J to part 27 to read as follows:

Subpart J—1670–1675 MHz Service

Sec.
27.901 Scope.
27.902 Permissible communications
27.903 Coordination requirements.
27.904 Geographic partitioning and spectrum disaggregation.
27.905 1670–1675 MHz Service licenses subject to competitive bidding.
27.906 Designated entities.

§ 27.901 Scope.

This subpart sets out the regulations governing service in the 1670–1675 MHz band (1670–1675 MHz Service).

§ 27.902 Permissible communications.

Licensees in the 1670–1675 MHz Service are authorized to provide fixed or mobile service, except aeronautical mobile service, subject to the technical requirements of this subpart.

§ 27.903 Coordination requirements.

(a) Licensees in the 1670–1675 MHz Service will be issued geographic area licenses.

(b) Licensees in the 1670–1675 MHz Service must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under part 1, § 1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed under part 1, § 1.924 of this chapter.

(c) The notification required in paragraph (b) of this section must be filed on the Universal Licensing System.

(d) Prior to construction of a station, a licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(e) It is the licensee's responsibility to determine whether an individual station requires referral to the Commission.

§ 27.904 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 1670–1675 MHz licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 1670–1675 MHz licensee and is subject to the obligations and restrictions on the 1670–1675 MHz license as set forth in this subpart.

§ 27.905 1670–1675 MHz Service licenses subject to competitive bidding.

Mutually exclusive initial applications for 1670–1675 MHz Service licenses are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 27.906 Designated entities.

(a) Eligibility for small business provisions.

(1) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $15 million for the preceding three years.

(2) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $40 million for the preceding three years.

(3) A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(1) of this section. A consortium of entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(2) of this section.

(4) For purposes of determining whether an entity meets any of the definitions set forth in paragraphs (a)(1), (a)(2), or (a)(3) of this section, the gross revenues of the entity, its controlling interests and affiliates shall be considered in the manner set forth in § 1.2110(b) and (c) of this chapter.

(b) A winning bidder that qualifies as a small business or a consortium of small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

9. Add a Subpart K to part 27 to read as follows

Subpart K—2385–2390 MHz Service

Sec.

27.1001 Scope.
27.1002 Permissible communications
27.1003 Coordination requirements
27.1004 Geographic partitioning and spectrum disaggregation
27.1005–23852390 MHz Service licenses subject to competitive bidding.
27.1006 Designated entities.

§ 27.1001 Scope.

This subpart sets out the regulations governing service in the 2385–2390 MHz band (2385–2390 MHz Service).

§ 27.1002 Permissible communications.

Licensees in the 2385–2390 MHz Service are authorized to provide fixed or mobile service subject to the technical requirements of this subpart.

§ 27.1003 Coordination requirements.

(a) Licensees in the 2385–2390 MHz Service will be issued geographic area licenses.

(b) Licensees in the 2385–2390 MHz Service must file a separate station application with the Commission and obtain an individual station license, prior to construction or operation, of any station:

(1) That requires submission of an Environmental Assessment under part 1, § 1.1307 of this chapter;

(2) That requires international coordination;

(3) That operates in the quiet zones listed in part 1, § 1.924 of this chapter;

(4) That requires approval of the Frequency Advisory Subcommittee (FAS) of the Interdepartment Radio Advisory Committee (IRAC). Licensees in the 2385–2390 MHz Service must receive FAS approval prior to operation of fixed sites or mobile units within the NTIA recommended protection radii of the Government aeronautical telemetry sites listed in footnote US363 of § 2.106 of this chapter.

(5) That would require approval of the Aeronautical Flight Test Radio Coordinating Council (AFTRCC). Licensees in the 2385–2390 MHz Service must receive AFTRCC approval prior to operation of fixed sites or mobile units within the AFTRCC recommended protection radii of the non-Government flight test operations listed in footnote US363 of § 2.106 of this chapter.

(c) Prior to construction of a station, the 2385–2390 MHz licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(d) It is the licensee's responsibility to determine whether a referral to the Commission is needed for any individual station constructed.

(e) The notification required in paragraph (b) of this section must be filed on the Universal Licensing System.

§ 27.1004 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 2390–2385 MHz licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 2385–2390 MHz licensee and is subject to the obligations and restrictions on the 2385–2390 MHz license as set forth in this subpart.

§ 27.1005 2385–2390 MHz Service licenses subject to competitive bidding.

Mutually exclusive initial applications for 2385–2390 MHz Service licenses are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 27.1006 Designated entities.

(a) Eligibility for small business provisions.

(1) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $15 million for the preceding three years.

(2) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $40 million for the preceding three years.

(3) A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(1) of this section. A consortium of entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(2) of this section.

(4) For purposes of determining whether an entity meets any of the definitions set forth in paragraphs (a)(1), (a)(2), or (a)(3) of this section, the gross revenues of the entity, its controlling interests and affiliates shall be considered in the manner set forth in § 1.2110(b) and (c) of this chapter.

(b) A winning bidder that qualifies as a small business or a consortium of small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

10. Add Subpart L to part 27 to read as follows

Subpart L—Band Managers

Sec.
27.1101 Scope.
27.1102 Permissible communications.
27.1103 Band Manager authority.
27.1104 Band Manager agreements.
27.1105 Access to the Band Manager's spectrum.
27.1106 Band Manager licenses subject to competitive bidding.
27.1107 Designated entities.

§ 27.1101 Scope.

This subpart sets out the regulations governing Band Managers in the paired 1392–1395 MHz and 1432–1435 MHz bands and unpaired 1390–1392 MHz, 1670–1675 MHz and 2385–2390 MHz bands.

§ 27.1102 Permissible communications.

Band Managers are authorized to allow a spectrum user to provide fixed or mobile service subject to the technical requirements of this subpart.

§ 27.1103 Band Manager authority.

(a) A Band Manager may allow a spectrum user, pursuant to a written agreement, to construct and operate stations at any available site within the licensed area and on any channel for which the Band Manager is licensed, provided such stations comply with Commission Rules and coordination requirements.

(b) A Band Manager may allow a spectrum user, pursuant to a written agreement, to delete, move or change the operating parameters of any of the user's stations that are covered under the Band Manager's license without prior Commission approval, provided such stations comply with Commission Rules and coordination requirements.

§ 27.1104 Band Manager agreements.

Band Managers are required to enter into written agreements regarding the use of their licensed spectrum by others, subject to the following conditions:

(a) The duration of spectrum user agreements may not extend beyond the term of the Band Manager's FCC license.

(b) The spectrum user agreement must specify in detail the operating parameters of the spectrum user's system, including power, maximum antenna heights, frequencies of operation, base station location(s), area(s) of operation.

(c) The spectrum user agreement must require the spectrum user to use Commission-approved equipment where appropriate and to complete post-construction proofs of system performance prior to system activation.

(d) The spectrum user must agree to operate its system in compliance with all technical specifications for the system contained in the agreement and agree to cooperate fully with any investigation or inquiry conducted by either the Commission or the Band Manager.

(e) The spectrum user must agree to comply with all applicable Commission rules, and the spectrum user must accept Commission oversight and enforcement.

(f) The spectrum user agreement must stipulate that if the Band Manager determines that there is an ongoing violation of the Commission's rules or that the spectrum user's system is causing harmful interference, the Band Manager shall have the right to suspend or terminate operation of the spectrum user's system. The spectrum user agreement must stipulate that if the spectrum user refuses to comply with a suspension or termination order, the Band Manager will be free to use all legal means necessary to enforce the order.

(g) The spectrum user agreement may not impose unduly restrictive requirements on use of the licensed frequencies, including any requirement that is not reasonably related to the efficient management of the spectrum licensed to the Band Manager.

(h) Band Managers shall maintain their written agreements with spectrum users at their principal place of business, and retain such records for at least two years after the date such agreements expire. Such records shall be kept current and be made available upon request for inspection by the Commission or its representatives.

§ 27.1105 Access to the Band Manager's spectrum.

(a) A Band Manager may not engage in unjust or unreasonable discrimination among spectrum users and may not unreasonably deny prospective spectrum users access to the Band Manager's licensed spectrum.

(b) A Band Manager may not impose unduly restrictive requirements on use of its licensed frequencies, including any requirement that is not reasonably related to the efficient management of the spectrum licensed to the Band Manager.

§ 27.1106 Band Manager licenses subject to competitive bidding.

Mutually exclusive initial applications for Band Manager licenses in the paired 1392–1395 MHz and 1432–1435 MHz bands and unpaired 1390–1392 MHz, 1670–1675 MHz and 2385–2390 MHz bands are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 27.1107 Designated entities.

(a) Eligibility for small business provisions for Band Manager licenses in the paired 1392–1395 MHz and 1432–1435 MHz bands and unpaired 1390–1392 MHz, 1670–1675 MHz and 2385–2390 MHz bands.

(1) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $15 million for the preceding three years.

(2) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $40 million for the preceding three years.

(3) A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(1) of this section. A consortium of entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(2) of this section.

(4) For purposes of determining whether an entity meets any of the definitions set forth in paragraphs (a)(1), (a)(2), or (a)(3) of this section, the gross revenues of the entity, its controlling interests and affiliates shall be considered in the manner set forth in § 1.2110(b) and (c) of this chapter.

(b) A winning bidder that qualifies as a very small business or a consortium of very small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(i) of this chapter. A winning bidder that qualifies as a small business or a consortium of

small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

PART 90—PRIVATE LAND MOBILE RADIO SERVICE

11. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 302(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

12. Section 90.175 is amended by revising paragraph (i)(13) to read as follows:

§ 90.175 Frequency coordination requirements.

* * * * *

(i) * * *

(13) Applications for frequencies in the 1429.5–1432 MHz band.

* * * * *

13. Section 90.259 is amended by designating the undesignated paragraph as paragraph (a) and by adding paragraph (b) to read as follows:

§ 90.259 Assignment and use of frequencies in the bands 216–220 MHz and 1427–1432 MHz.

* * * * *

(b) *1427–1432 MHz band.* (1) Frequencies in the 1427–1432 MHz band may be assigned to applicants that establish eligibility in the Public Safety Pool or the Industrial/Business Pool.

(2) All operations in the 1427–1429.5 MHz band are secondary in status except in the locations specified in paragraph (b)(4) of this section where operations are primary in status.

(3) All operations in the 1429.5–1432 MHz are primary in status except in the locations specified in paragraph (b)(4) of this section where operations are secondary in status.

(4) *Locations.* (i) Pittsburgh, Pennsylvania—Westmoreland, Washington, Beaver, Allegheny and Butler counties;

(ii) Washington, DC metropolitan area—Montgomery, Prince William, Fairfax, Prince George's and Charles counties, Alexandria City, District of Columbia;

(iii) Richmond/Norfolk, Virginia—Goochland, Powhatan, Hanover, Henrico counties, Richmond City, Hampton City, Virginia Beach City, Chesapeake City, Portsmouth City and Suffolk City;

(iv) Austin/Georgetown, Texas—Williamson and Travis counties;

(v) Battle Creek, Michigan—Calhoun county

(vi) Detroit, Michigan—Oakland county

(vii) Spokane, Washington—Spokane county.

PART 95—PERSONAL RADIO SERVICES

14. The authority citation for part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

15. Section 95.630 is revised to read as follows:

§ 95.630 WMTS transmitter frequencies.

(a) WMTS transmitters may operate in the frequency bands specified below:

(1) 608–614 MHz

(2) 1395–1400 MHz

(3) 1427–1429.5 MHz

(4) 1429.5–1432 MHz

(b) All operations in the 1427–1429.5 MHz band are primary in status except in the locations specified in paragraph (c) of this section where operations are secondary in status.

(c) *Locations.* (1) Pittsburgh, Pennsylvania—Westmoreland, Washington, Beaver, Allegheny and Butler counties;

(2) Washington, DC metropolitan area—Montgomery, Prince William, Fairfax, Prince George's and Charles counties, Alexandria City, District of Columbia;

(3) Richmond/Norfolk, Virginia—Goochland, Powhatan, Hanover, Henrico counties, Richmond City, Hampton City, Virginia Beach City, Chesapeake City, Portsmouth City and Suffolk City;

(4) Austin/Georgetown, Texas—Williamson and Travis counties;

(5) Battle Creek, Michigan—Calhoun county

(6) Detroit, Michigan—Oakland county

(7) Spokane, Washington—Spokane county.

16. Section 95.639(g) is revised to read as follows:

§ 95.639 Maximum transmitter power.

* * * * *

(g) The maximum field strength authorized for WMTS stations in the 608–614 MHz band is 200 mV/m, measured at 3 meters. For stations in the 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz bands, the maximum field strength is 740 mV/m, measured at 3 meters.

* * * * *

17. Section 95.1101 is revised to read as follows:

§ 95.1101 Scope.

This part sets out the regulations governing the operation of Wireless Medical Telemetry Devices in the 608–614 MHz, 1395–1400 MHz, 1427–1429.5 MHz and 1429.5–1432 MHz frequency bands.

18. Section 95.1103(c) is revised to read as follows:

§ 95.1103 Definitions.

* * * * *

(c) *Wireless medical telemetry.* The measurement and recording of physiological parameters and other patient-related information via radiated bi- or unidirectional electromagnetic signals in the 608–614 MHz, 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz frequency bands.

19. Sections 95.1115(a)(2) and (d)(1) are revised to read as follows:

§ 95.1115 General technical requirements.

(a) * * *

(2) In the 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz bands, the maximum allowable field strength is 740 mV/m, as measured at a distance of 3 meters, using measuring equipment with an averaging detector and a 1 MHz measurement bandwidth.

* * * * *

(d) *Channel use.* (1) In the 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz bands, no specific channels are specified. Wireless medical telemetry devices may operate on any channel within the bands authorized for wireless medical telemetry use in this part.

* * * * *

20. Section 95.1121 is revised to read as follows:

§ 95.1121 Specific requirements for wireless medical telemetry devices operating in the 1395–1400 MHz, 1427–1429.5 MHz, and 1429.5–1432 MHz bands.

Due to the critical nature of communications transmitted under this part, the frequency coordinator in consultation with the National Telecommunications and Information Administration shall determine whether there are any Federal Government systems whose operations could affect, or could be affected by, proposed wireless medical telemetry operations in the 1395–1400 MHz 1427–1429.5 MHz, and 1429.5–1432 MHz bands. The locations of government systems in these bands are specified in footnotes US351 and US352 of § 2.106 of this chapter.

[FR Doc. 02–3799 Filed 2–14–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 17 and 222

[I.D. 120301B]

Notice of Public Scoping and Preparation of an Environmental Review Document for a Proposed Incidental Take Permit and Habitat Conservation Plan Addressing Chewuch River Water Withdrawal and Diversion

AGENCIES: Fish and Wildlife Service, Interior; National Marine Fisheries Service, Commerce.

ACTION: Notice of intent to conduct public scoping and to prepare an environmental document.

SUMMARY: Pursuant to the National Environmental Policy Act this document advises the public that the Fish and Wildlife Service and National Marine Fisheries Service (Services) intend to gather information necessary to prepare an environmental review document (environmental assessment or environmental impact statement) related to the proposed approval of a Habitat Conservation Plan (Plan) and an issuance of an incidental take permit (Permit) to take endangered and threatened species in accordance with the Endangered Species Act of 1973, as amended (ESA). The Permit applicant is Chewuch Basin Council (CBC).

The Services are furnishing this document in order to advise other agencies and the public of our intentions and to obtain suggestions and information on the scope of issues to include in the environmental document.

DATES: Written comments from all interested parties must be received on or before March 18, 2002.

ADDRESSES: Comments and requests for information should be sent to Jon Hale, Chewuch Scoping Comments, U.S. Fish and Wildlife Service, 510 Desmond Drive, S.E., Suite 102, Lacey, WA 98503–1273, telephone (360) 753–4371, facsimile (360) 753–9518. Comments and materials received will be available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jodi Bush, Project Manager, U.S. Fish and Wildlife Service, (509) 665–3507; or Mike Grady, Project Manager, National Marine Fisheries Service, (206) 526–4645.

SUPPLEMENTARY INFORMATION: The CBC is comprised of the three primary irrigation companies operating in the Chewuch River Basin, including the Chewuch Canal Company, the Fulton Ditch Company, and the Skyline Ditch Company. The application is related to water withdrawals from the Chewuch River located in Okanogan County, WA. The applicant intends to request Permits for chinook salmon, steelhead trout, and bull trout. The CBC may also seek coverage for cutthroat trout and other currently unlisted fish and wildlife species under specific provisions of the Permit, should these species be listed in the future. In accordance with the ESA, the CBC will prepare a Plan for, among other things, minimizing and mitigating any such take that could occur incidental to the proposed Permit activities (water diversion and distribution activities within the irrigation reach).

Section 9 of the ESA and Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The term ''take'' is defined under the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct. The U.S. Fish and Wildlife Service's definition of harm includes significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). The National Marine Fisheries Service's definition of harm includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, feeding, and sheltering (50 CFR 222.102).

The Services may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. U.S. Fish and Wildlife Service regulations governing permits for endangered species are promulgated in 50 CFR 17.22; and regulations governing permits for threatened species are promulgated in 50 CFR 17.32. National Marine Fisheries Service regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Background

The CBC is composed of the Chewuch Canal Company, the Fulton Ditch Company, and the Skyline Ditch Company. These companies own and operate independent diversion structures, fish screens, irrigation ditches, pipes, canals, reservoirs, and related structures located on and adjacent to the Chewuch River in the vicinity to Winthrop, WA. Water from these water diversions is made available to individual shareholders for irrigation of agricultural, residential, and commercial properties and for stock use.

Section 10 of the ESA contains provisions for the issuance of incidental take permits to non-Federal landowners for the take of endangered and threatened species, provided the take is incidental to otherwise lawful activities and will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. In addition, the applicant must prepare and submit to the Services for approval a Plan containing a strategy for minimizing and mitigating all take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for the Plan will be provided.

The CBC has initiated discussions with the Services regarding the possibility of developing a Plan and securing a Permit for their Chewuch River water diversion and distribution operations. Activities proposed for coverage under the Permit include the following:

(1) Water diversions, conveyance, storage, and shared or commingled drought storage.

(2) Conservation and mitigation actions including: (a) reduction of diversions during low-flow periods, (b) conveyance and on-farm water use efficiency measures, (c) seasonal use of groundwater resources, (d) habitat reclamation and enhancement projects, and (e) expansion and use of water storage facilities.

(3) Periodic operational and maintenance activities including: (a) repair and maintenance of diversion headgates, fish passage structures, diversion dams, and other in-stream improvements; (b) maintenance and improvements in side, return, and tailwater channels and storage facilities; (c) activities set forth in ditch operating plans; and (d) plans for various activities developed as part of an ongoing monitoring and adaptive management approach to watershed management.

The Services will conduct an environmental review of the Plan and prepare an environmental document. The environmental review will analyze the proposal, as well as a full range of reasonable alternatives and the

associated impacts of each. The Services are currently in the process of developing alternatives for analysis. Should information become available which indicates the likelihood of significant impacts from the proposed project, an Environmental Impact Statement will be prepared. Otherwise an Environmental Assessment will be prepared.

Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to this proposed action and to all significant issues are identified. Comments or questions concerning this proposed action and the environmental review should be directed to the Fish and Wildlife Service or to National Marine Fisheries Service at the address or telephone numbers provided above.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), National Environmental Policy Act Regulations (40 CFR parts 15001–508), other appropriate Federal laws and regulations, and policies and procedures of the Services for compliance with those regulations.

Dated: December 6, 2001.

Rowan W. Gould,

Deputy Regional Director, Fish and Wildlife Service, Region 1, Portland, OR.

February 11, 2002.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–3815 Filed 2–14–02; 8:45 am]

BILLING CODES 3510–22–S, 4310–55–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012902A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Public Hearings/Scoping Meetings

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

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

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) intends to prepare a DSEIS to assess the impacts on the natural and human environments of the proposed measures in the Draft Secretarial Amendment to the Reef Fish Fishery Management Plan (Draft red grouper Amendment) which is being prepared by the Council and NMFS. The Draft red grouper Amendment would establish a rebuilding plan for red grouper in the Gulf of Mexico. The Council will convene public hearings to receive comments on the proposed measures of the Draft red grouper Amendment and to serve as scoping hearings to solicit public comments on the scope of issues to be addressed in the DSEIS. In conjunction with each public hearing on the Draft red grouper Amendment, a scoping meeting will also be held to obtain comments on whether the Council should begin to develop a regulatory amendment under the Coastal Migratory Pelagics Fishery Management Plan to address prohibitions on the use of pelagic longlines to harvest dolphin (fish) in the Gulf of Mexico. This scoping meeting is being held by the Council under its internal scoping process to receive public comments on whether development of a management action should proceed.

DATES: The public hearings/scoping meetings will be held in February. See **SUPPLEMENTARY INFORMATION** for specific dates and times of the public hearings.

ADDRESSES: Written comments should be sent to, and copies of the Draft red grouper Amendment and options for the CMP scoping meetings are available from, the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, FL 33619, telephone: (813) 228–2815. Public Hearings will be held in Florida, Mississippi, Louisiana, and Texas. See **SUPPLEMENTARY INFORMATION** for specific hearing locations.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION: The public hearings will be convened to receive comments on the Draft red grouper Amendment, which would establish a rebuilding plan for red grouper in the Gulf of Mexico, and to serve as scoping hearings to solicit public comments on the scope of issues to be addressed in the DSEIS. Red grouper were declared to be overfished and undergoing overfishing by the Acting Southeast Regional Administrator for the National Marine Fisheries Service in October 2000. The Council originally began developing a red grouper rebuilding plan as part of Draft Reef Fish Amendment 18, which addressed a number of other reef fish issues. However, due to delays in the development of Draft Reef Fish Amendment 18, the Council chose to separate out the red grouper rebuilding plan and proceed with it through a separate action.

At each scoping hearing on the Draft red grouper Amendment, the Council will solicit public comments on the scope of issues to be addressed in the DSEIS. A scoping meeting under the Council's internal policy will also be held to obtain comments on whether the Council should begin to develop a regulatory amendment under the Coastal Migratory Pelagics (CMP) Fishery Management Plan to address prohibitions on the use of pelagic longlines to harvest dolphin (fish) in the Gulf of Mexico.

The Draft red grouper Amendment proposal contains alternatives for determining the sustainable fishing parameters on which a rebuilding plan is based. These include maximum sustainable yield (MSY), the fishing mortality rate that produces MSY (F_{MSY}), the biomass or biomass proxy that supports MSY (B_{MSY}), the minimum stock size threshold below which a stock is considered to be overfished, the maximum fishing mortality threshold above which a stock is considered to be undergoing overfishing, and optimum yield. The Draft red grouper Amendment also contains alternatives for selecting a rebuilding strategy and rebuilding scenarios (combinations of management measures) to achieve rebuilding. In addition to the pre-constructed scenarios, the Draft red grouper Amendment contains individual alternatives to adjust the shallow-water grouper quota, implement or adjust closed seasons, implement commercial trip limits, adjust recreational bag limits, establish closed areas, move the longline/buoy gear boundary, and phase out the use of longlines and buoy gear for reef fish fishing.

The public hearings/scoping meetings will meet from 6:30 p.m. to 10 p.m. at the following locations and dates.

1. *Monday, February 18, 2002*: Edison Community College, Lee County Campus, Corbin Auditorium, Building J–103, 8099 College Parkway, Fort Myers, FL 33919, telephone: 941–489–9300. Use Shoreline Blvd entrance. Park in 1st lot on right [Lot 8]. For Map

directions see: http://www.edison.edu/aboutecc/lee—campus.htm;

2. *Tuesday, February 19, 2002*: Tampa Airport Hilton, 2225 Lois Avenue, Tampa, FL 33607, telephone: 813–877–6688;

3. *Tuesday, February 19, 2002*: Mississippi Department of Marine Resources, 1141 Bayview Drive, Biloxi, MS 39530, telephone: 228–374–5000;

4. *Wednesday, February 20, 2002*: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL 34429, telephone: 352–795–4211;

5. *Wednesday, February 20, 2002*: New Orleans Airport Hilton, 901 Airline Drive, Kenner, LA, telephone: 504–469–5000;

6. *Thursday, February 21, 2002*: National Marine Fisheries Service, 3500 Delwood Beach Road, Panama City, FL 32408, telephone: 850–234–6541; and

7. *Thursday, February 21, 2002*: Texas A&M University, 200 Seawolf Parkway, Galveston, TX 77553, telephone: 409–740–4416.

In addition to the above hearings, public testimony will be accepted on the Draft red grouper Amendment at the Gulf Council meeting where final action will be taken, in Sarasota, FL, on July 10, 2002. Written comments on the scope of the DSEIS for the Red Grouper rebuilding plan will be accepted if received at the Council office by April 1, 2002. Written comments on the Red Grouper rebuilding plan will be accepted if received at the Council office by June 13, 2002.

These meetings are 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**).

Dated: February 11, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3817 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 67, No. 32
Friday, February 15, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

Date: February 20, 2002 (9 a.m. to 5 p.m.).

Location: Grand Hyatt Washington, 1000 H Street, NW, Washington, D.C.

This meeting will feature discussion of the situation in Afghanistan and plans for the country's reconstruction. Participants will have an opportunity to ask questions of the speakers and to discuss the issues in more depth in small groups.

The meeting is free and open to the public. Persons wishing to attend the meeting can fax or e-mail their name to Larritus Jackson, 202–347–9212, *pvcsupport@datexinc.com.*

Dated: February 11, 2002.

Noreen O'Meara,

Executive Director, Advisory Committee on Voluntary Foreign Aid (ACVFA).

[FR Doc. 02–3705 Filed 2–14–02; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Request for Reinstatement of a Previously Approved Information Collection

AGENCY: Commodity Credit Corporation (CCC).

ACTION: Proposed information collection and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces CCC's intention to request reinstatement for a previously approved information collection. The information collection is in support of the regulation for the voluntary assignment of cash payments made by Farm Service Agency or CCC to a third party. In addition, a payment recipient may voluntarily elect to have a cash payment made jointly to the payment recipient and a third party.

DATES: Comments on this notice must be received on or before April 16, 2002 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Deborah Simmons, Financial Specialist, USDA, FSA, FMD, STOP 0581, 1400 Independence Avenue, SW, Washington, DC 20250–0581; telephone (703) 305–1309; e-mail *Debbie_Barker@wdc.fsa.usda.gov;* or facsimile (703) 305–1144.

SUPPLEMENTARY INFORMATION:

Title: Assignment of Payment and Joint Payment Authorization.

OMB Control Number: 0560–0183.

Type of Request: Reinstatement of a previously approved information collection.

Abstract: CCC is requesting reinstatement of the OMB clearance for Forms CCC–36, Assignment of Payment, CCC–37, Joint Payment Authorization, CCC–251, Notice of Assignment, and CCC–252, Instrument of Assignment. The Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) authorizes producers to assign, in writing, FSA conservation program payments. The statute requires that any such assignment be signed and witnessed. The Agricultural Act of 1949, as amended, extends that authority to CCC programs, including rice, feed grains, cotton, and wheat.

There are no regulations governing joint payments, but this service is offered as a result of public requests for this type of payment option.

Estimate of Respondent Burden: Public reporting burden for this collection of information is estimated to average 3.75 minutes per response.

Respondents: Producers.

Estimated Number of Respondents: 70,450.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 3.75 minutes.

Comments are sought on these requirements including: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Deborah Simmons, Financial Specialist, USDA–FSA–FMD, STOP 0581, 1400 Independence Avenue, SW., Washington, DC 20250–0581; telephone (703) 305–1309; e-mail *Debbie_Barker@wdc.fsa.usda.gov;* or facsimile (703) 305–1144. Copies of the information collection may be obtained from Ms. Simmons at the above address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, DC, on February 4, 2002.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 02–3707 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Farm Service Agency; Request for Approval of a New Information Collection

AGENCY: Commodity Credit Corporation (CCC), Farm Service Agency (FSA), USDA.

ACTION: Proposed information collection and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Farm Service Agency's (FSA) and Commodity Credit Corporation's (CCC) intention to request a new information collection. The first information collection will be used in support of the Debt Collection Improvement Act of 1996, which

requires disbursements to be made via an electronic funds transfer (EFT) mechanism unless the payment recipient has a waiver from the Secretary of Treasury. The Secretary of Treasury has granted a waiver for any individual for whom payment by an EFT mechanism would create a hardship. CCC and FSA have developed a waiver form that may be filed by a payment recipient for whom payment by an EFT mechanism would create a hardship. The second information collection will be used when necessary to request a replacement check for a check that was not received by the intended recipient. The information collection provides an undertaking of indemnity as required by Government Accounting Office standards.

DATES: Comments on this notice must be received on or before April 16, 2002 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Deborah Simmons, Financial Specialist, USDA, FSA, FMD, STOP 0581, 1400 Independence Avenue, SW, Washington, DC 20250–0581; telephone (703) 305–1309; e-mail *Debbie_Barker@wdc.fsa.usda.gov;* or facsimile (703) 305–1144.

SUPPLEMENTARY INFORMATION:

Title: Electronic Funds Transfer (EFT) Hardship Waiver Request.

OMB Control Number: 0560–NEW.

Type of Request: Approval of a new information collection.

Abstract: The Debt Collection Improvement Act of 1996 requires that all Federal payments other than payments under the Internal Revenue Code of 1986, must be made by an EFT mechanism effective January 1, 1999. In 31 CFR 208, the Secretary of Treasury granted a waiver of the EFT requirement to any individual for whom payment by an EFT mechanism would create a hardship. A Federal agency is required to send a disclosure letter regarding the EFT requirement to any individual that continues to receive payment by paper check, unless the individual has invoked a self-certified hardship waiver.

Individuals that wish to invoke a self-certified hardship waiver of the EFT requirement must provide specific data related to the individual. The form included in this information collection package would require the full name and address of the requestor, a signature, and the date signed. The completed form must be returned to an FSA office. Without collection of this information, FSA must continue to mail a disclosure letter regarding the EFT requirement with every paper check issued to the individual.

Estimate of Respondent Burden: Public reporting burden for this collection of information is estimated to average 5 minutes per response.

Respondents: Individuals requesting a self-certified hardship waiver of the EFT requirement.

Estimated Number of Respondents: 100,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 20 minutes.

SUPPLEMENTARY INFORMATION:

Title: Undertaking of Indemnity.

OMB Control Number: 0560–NEW.

Type of Request: Approval of a new information collection.

Abstract: CCC disburses funds using a CCC check or a commodity certificate when payment is not disbursed through an EFT mechanism. When an issued CCC check or commodity certificate is not received by the intended recipient, or is received and later becomes lost, stolen or destroyed, the intended recipient may sign an undertaking of indemnity to request that the CCC check or commodity check be replaced.

Estimate of Respondent Burden: Public reporting burden for this collection of information is estimated to average 30 minutes per response.

Respondents: Individuals, partnerships or corporations.

Estimated Number of Respondents: 1,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 45 minutes.

Comments are sought on these requirements including: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to the Desk Officer for Agriculture, Office in Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Deborah Simmons, Financial Specialist, USDA–FSA–FMD, STOP 0581, 1400 Independence Avenue, SW, Washington, DC 20250–0581; telephone (703) 305–1309; e-mail Debbie_Barker@wdc.fsa.usda.gov; or facsimile (703) 305–1144. Copies of the information collection may be obtained from Ms. Simmons at the above address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, DC, on February 1, 2002.

Larry Walker,

Acting Administrator, Farm Service Agency and Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 02–3708 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Rams Horn Project, Mark Twain National Forest, Phelps and Pulaski Counties MO

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to analyze and disclose the environmental effects of proposed land management activities and corresponding alternatives within the Rams Horn project area. The Rams Horn project area is located immediately east of Fort Leonard Wood Military Reservation on National Forest System lands administered by the Houston/Rolla/Cedar Creek Ranger District in the Spring Creek and Big Piney River watersheds, southwest of Rolla, Missouri. The legal description of the project area is: Township 34 North, Range 9 West, sections 4–6; Township 34 North, Range 10 West, sections 1, 2; Township 35 North, Range 9 West, sections 6, 7, 16–21, 26–36; Township 36 North, Range 10 West, sections 34–36, Fifth Principal Meridian.

The purpose of this project is to implement land management activities that are consistent with the direction in the Mark Twain Land and Resource Management Plan (Forest Plan) and respond to specific needs identified in the project area. The project-specific needs include addressing: wildlife habitat maintenance and improvement, reduction of non-native invasive noxious weeds, watershed rehabilitation, recreation management, and associated or connected actions.

DATES: Initials comments concerning the scope of the analysis should be received within 30 days following publication of

this notice to receive timely consideration in the preparation of the draft EIS.

ADDRESSES: Send written comments and suggestions on the proposed action or requests to be placed on the project mailing list to: John C. Bisbee, District Ranger, Houston/Rolla/Cedar Creek Ranger District, 108 South Sam Houston Boulevard, Houston, Missouri 65483. E-mail should have a subject line that reads ''NEPA Houston'' and be sent to: *mailroom_r9_mark_twain@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Mark Hamel, Project Leader/NEPA Coordinator, Houston/Rolla/Cedar Creek Ranger District, 108 South Sam Houston Boulevard, Houston, Missouri 65483, phone (417) 697–4194.

SUPPLEMENTARY INFORMATION: The information presented in this notice is included to help the reviewer determine if they are interested in or potentially affected by the proposed land management activities. The information presented in this notice is summarized. Those who wish to provide comments, or are otherwise interested in or affected by the project, are encouraged to obtain additional information from the contact identified in the **FOR FURTHER INFORMATION CONTACT** Section.

Proposed Action

The proposed land management activities (proposed actions) include the following, with approximate values: (1) *Wildlife habitat maintenance and improvement*—(a) Maintain 200 acres of unique post oak savanna habitat by personnel use firewood removal and prescribed burning, (b) maintain 400 acres of unique post oak savanna habitat by prescribed burning. (c) maintain existing open and semi open habitat by utilizing prescribed fire on 1,050 acres, (d) maintain existing open and semi open habitat by utilizing grazing and/or prescribed fire on 100 acres, (e) maintain existing open and semi open habitat by utilizing mechanical means such as brush hogging and/or prescribed fire on 100 acres, (f) enhance the warm season grass component in existing open and semi open habitat by planting 50 acres with Gamma grass, (g) maintain and enhance habitat for old growth wildlife species by designating 1,600 acres of old growth, and, (h) create 1,100 acres of 0–9 age class habitat (would be accomplished with: group selection harvest on 1,400 acres, shelterwood harvest on 550 acres, clearcut harvest on 400 acres) and 700 acres of Woodland Habitat in Oak, Oak-Pine, and Pine which exhibits a condition of 20–30 percent forbs, grass and shrub ground cover (would be accomplished with: group selection harvest on 1,400 acres, commercial thinning on 400 acres, and thinning on 400 acres of pine plantations to encourage oak regeneration), (2) *Reduction of non-native invasive noxious weeds*—eliminate multi-flora rose on 100 acres through the use of herbicides; (3) *Watershed rehabilitation*—(a) improve bottomland riparian habitat by planting hardwoods on 50 acres, (b) improve bottomland riparian habitat by removing existing river access sites and access roads, (c) improve overall watershed health by closing and rehabilitating 2 miles of old non system road corridors, and, (d) improve existing stream crossing; (4) *Recreation management*—(a) improve an existing river access site by providing proper parking facilities for canoeists, and, (b) relocate an existing river access site (will require construction of ¼ mile of new system road and parking area) because of watershed concerns and for public safety; (5) *Associated or connected actions*—actions pertinent to this project, such as; (a) construction and obliteration of 10 miles of temporary road to accomplish some of the items listed in (item 1) above, (b) fire line construction, etc.

Decision Space

Decision making will be limited to activities relating to the proposed actions. The primary decision to be made will be whether or not to implement the proposed actions listed above, a no-action alternative, or another alternative that responds to the projects purpose and needs.

Preliminary Issues

Preliminary comments made by the public and agencies were considered in the development of the tentative or preliminary issues. These are as follows: effects on Threatened, Endangered, and Sensitive (TES) species and Management Indicator Species (MIS); concern over new road construction, and road closures; concern over motorized recreational access; current and designated old growth; current vegetative patterns, and species composition; and effects of restoration activities to the overall watershed.

Public Participation

The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies, the Osage Tribe, and other individuals or organizations that may be interested in or affected by the proposed actions. Comments received in response to this notice will become a matter of public record. While public participation in this analysis is welcome at any time, comments on the proposed actions received within 30 days of the publication of this notice will be especially useful in the preparation of the draft EIS. Timely comments will be used in preparation of the draft EIS. The scoping process will be used to: identify potential issues; identify additional alternatives to the proposed action; and, identify potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects). In addition, the public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision.

Estimated Dates for Filing

The draft EIS is expected to be filed with the Environmental Protection Agency and available for public review in April 2002. A 45-day comment period will follow publication of a Notice of Availability of the draft EIS in the **Federal Register.** Comments received on the draft EIS will be analyzed and considered in preparation of a final EIS, expected in June 2002. A Record of Decision (ROD) will also be issued at that time along with the publication of a Notice of Availability of the final EIS and ROD in the **Federal Register**.

Reviewers Obligation To Comment

The Forest Service believes it is important at this early stage to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the draft EIS must structure their participation in the environmental review of the proposal in such a way that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 513 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F2d 1016, 1022 (9th Cir, 1986), and *Wisconsin Heritage Inc.* v. *Harris,* 490 F.Supp. 1334, 1338 (E.D. Wis., 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment prior of the draft EIS in order that substantive comments and objections are available to the Forest Service at a time when it can meaningfully consider then and respond to them in the final EIS. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as

specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Responsible Official

The responsible official for this environmental impact statement is Randy Moore, Forest Supervisor, Mark Twain National Forest.

Dated: January 18, 2002.

John C. Bisbee,

District Ranger, Mark Twain National Forest.

[FR Doc. 02–3776 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Washington Cascades Provincial Advisory Committee and Yakima Provincial Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee will meet on Thursday, March 7, 2002, at the Wenatchee National Forest headquarters main conference room, 215 Melody Lane, Wenactchee, Washington. The meeting will begin at 9 a.m. and continue until 4 p.m. During this meeting we will discuss the Forest Supervisor's response to committee advice on noxious weed management, and also participate in a discussion of proposed public involvement for an upcoming forest roads inventory. All Eastern Washington Cascades and Yakima Province Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801, 509–662–4335.

Dated: February 7, 2002.

Paul Hart,

Designated Federal Official, Okanogan an Wenatchee National Forests.

[FR Doc. 02–3727 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: North Central Idaho Resource Advisory Committee, Grangeville, Idaho, USDA, Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Nez Perce and Clearwater National Forests' North Central Idaho Resource Advisory Committee will meet Friday, March 8, 2002 in Orofino, Idaho for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on March 8 begins at 10:00 AM, in Room 2b, Latah County Courthouse, 522 S. Adams Street, Moscow, Idaho 83843. Agenda topics will include discussion of project screening and selection process. A public forum will begin at 2:30 PM (PST).

FOR FURTHER INFORMATION CONTACT: Ihor Mereszczak, Staff Officer and Designated Federal Officer, at (208) 983–1950.

Dated: February 8, 2002.

Ihor Mereszczak,

Acting Forest Supervisor.

[FR Doc. 02–3777 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Appointment to the Advisory Committee on Agriculture Statistics

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notification of appointment to the Advisory Committee on Agriculture Statistics.

SUMMARY: The Office of the Secretary of Agriculture, in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, announces members appointed to the Advisory Committee on Agriculture Statistics. The appointment for the twenty-five member committee, which has representation across seven categories which covers a broad range of agricultural disciplines and interests, was signed on February 5, 2002. Appointed members by their associated category are: Consumer and Information Organizations—Robert W. Spear, Nobleboro, ME; Ross Ronald Racine, Billings, MT; James Dennis Rieck, Winfield, IL. Educational Organizations—Ling-Jung (Kelvin) Koong, Corvallis, OR; Bobby Ray Phills, Tallahassee, FL; Gumecindo Salas, Springfield, VA. Farm Services Organizations—Jacklyn M. Folsom, Cabot, VT; John Irving Gifford, Rock Island, IL; Jack Charles Mitenbuler, Indianapolis, IN; Ranvir Singh, Marysville, CA; Mark Edward Whalon, East Lansing, MI. Government Agencies—Robert Dale Epperson, Fresno, CA. National Farm Organizations—Carol Ann Gregg, Grove City, PA; Mark W. Jenner, Mt. Prospect, IL; Sheila Kay Massey, Animas, NM; Ivan W. Wyatt, Cedar Point, KS. Producer and Marketing Organizations—Mark Dale Lange, Cordova, TN; Andrew William LaVigne, Lakeland, FL; Roger M. Cryan, Fairfax, VA; Ashby Pamplin Ruden, Reston, VA; Lee F. Schrader, West Lafayette, IN; Topper Thorpe, Castle Rock, CO; Hugh Anslum Warren, Greenwood, MS. Professional Organizations—Walter J. Armbruster, Darien, IL; Ronald C. Wimberley, Raleigh, NC.

Comments: The duties of the Committee are solely advisory. The Committee will make recommendations to the Secretary of Agriculture with regards to the agricultural statistics program of the National Agricultural Statistics Service (NASS) and such other matters as it may deem advisable, or which the Secretary of Agriculture, Under Secretary for Research, Education, and Economics, or the Administrator of NASS may request. The Advisory Committee will be meeting on February 19–20, 2002. All meetings are open to the public. Committee members will be reimbursed for official travel expenses only.

FOR FURTHER INFORMATION CONTACT: *Additional Information:* Questions should be e-mailed to *hq_aa@nass.usda.gov,* faxed to (202) 720–9013, or telephoned to Rich Allen, Associate Administrator, NASS, at (202) 720–4333. All mailed correspondence should be sent to Rich Allen, Associate Administrator, U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue SW, Room 4117 South Building, Washington, DC 20250–2000.

Signed at Washington, DC, February 6, 2002.

R. Ronald Bosecker,

Administrator, National Agricultural Statistics Service.

[FR Doc. 02–3800 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–20–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 18, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: On October 26, 2001 and January 4, 2002 the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 FR 54193/94 and 67 FR 556) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will not have a severe economic impact on current contractors for the products and services.

3. The action will result in authorizing small entities to furnish the commodities and products and services.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay Act (41 U.S.C.46–48c) in connection with the products and services proposed for addition to the Procurement List.

Accordingly, the following products and services are added to the Procurement List:

Products

Product/NSN: Ballistic Protection Carrier/8470–00-NSH–0001.
NPA: Chautauqua County Chapter, NYSARC, Jamestown, New York.
Contract Activity: U.S. Army Material Command Acquisition Center.

Product/NSN: Insert, Flotation, Hardcell/8470–00-NSH–0002.
NPA: Chautauqua County Chapter, NYSARC, Jamestown, New York.
Contract Activity: U.S. Army Material Command Acquisition Center.

Product/NSN: Pocket, Helicopter Aviation Breathing Device/8470–00–NSH–0003.
NPA: Chautauqua County Chapter, NYSARC, Jamestown, New York.
Contract Activity: U.S. Army Material Command Acquisition Center.

Services

Service Type/Location: Administrative/General Support Services/Minerals Management Service, DOI, Herndon, Virginia.
NPA: ServiceSource, Inc., Alexandria, Virginia.
Contract Activity: Minerals Management Service, DOI.

Service Type/Location: Janitorial/Custodial/Veterans Affairs Medical Center (OI Services Center, Edward Hines Jr.), Hines, Illinois.
NPA: Jewish Vocational Service & Employment Center, Chicago, Illinois.
Contract Activity: Department of Veterans Affairs, VA Medical Center, Brecksville Ohio.

Service Type/Location: Laundry Service/VA Medical Center, Cheyenne, Wyoming, Laundry Service/VA Medical Center, Denver, Colorado, Laundry Service/VA Medical Center, Pueblo, Colorado.
NPA: Goodwill Industrial Services Corporation, Colorado Springs, Colorado.
Contract Activity: Department of Veterans Affairs, VA Medical Center, Denver, Colorado.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,
Director, Information Management.

[FR Doc. 02–3782 Filed 2–14–02; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List a product and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete products and services previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 18, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and services to the Government.

2. The action will result in authorizing small entities to furnish the product and services to the government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product and services proposed for addition to the Procurement List. Comments on this certification are invited.

Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following product and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Product/NSN: Waterbag, Suppression, 55 Gallon/8465–01–369–2148.
NPA: Work Services Corporation, Wichita Falls, Texas.

Contract Activity: GSA, General Products Commodity Center, Fort Worth, Texas.

Services

Service Type/Location: Central Facility Management/Interstate Commerce Commission Building/U.S. Customs Building/Connecting Wing, Washington, DC.
NPA: The Chimes, Inc., Baltimore, Maryland.
Contract Activity: GSA, Public Buildings Service.

Service Type/Location: Distribution of Licensed Products for the Gang Related Education and Training (G.R.E.A.T) Program/ Department of the Treasury, Bureau of ATF, Washington, DC (25% of the Total Requirement).
NPA: Industries for the Blind, Inc., Milwaukee, Wisconsin.
Contract Activity: Department of the Treasury/Bureau of ATF (Acquisition and Property Management Division).
Service Type/Location: Grounds Maintenance/Naval Undersea Warfare Center Division, Keyport, Washington.
NPA: Skookum Educational Programs, Port Townsend, Washington.
Contract Activity: Naval Undersea Warfare Center Division, Keyport, Washington.

Service Type/Location: Janitorial/ Custodial/Peace Bridge Complex, Buffalo, New York.
NPA: Suburban Adult Services, Inc., Sardinia, New York.
Contract Activity: GSA, Public Buildings Service.

Service Type/Location: Janitorial/ Custodial/Veterans Affairs Outpatient Clinic, Greenville, South Carolina.
NPA: Greenville Rehabilitation Center, Greenville, South Carolina.
Contract Activity: Department of Veterans Affairs.

Service Type/Location: Maintenance and Repair of Portable Light Towers/Basewide, Fort Hood, Texas.
NPA: Professional Contract Services, Inc., Austin, Texas.
Contract Activity: Army III Corps and Ft Hood Contracting CMD, Ft. Hood, Texas.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:
1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action will result in authorizing small entities to furnish the products and services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay Act (41 U.S.C.46–48c) in connection with the products and services proposed for deletion from the Procurement List.

The following products and services are proposed for deletion from the Procurement List:

Products

Product/NSN: Paper, Looseleaf, Ruled/ 7530–00–286–4332.
NPA: Alabama Industries for the Blind, Talladega, Alabama.
Contract Activity: Office Supplies & Paper Products Commodity Center, New York.
Product/NSN: Paper, Tabulating Machine/ 7530–00–138–9919.
NPA: Lighthouse for the Blind, St. Louis, Missouri.
Contract Activity: Social Security Administration, Baltimore, Maryland.

Services

Service Type/Location: Grounds Maintenance/Brooks Air Force Base (Koritz Memorial Garden), Brooks AFB, Texas.
NPA: Goodwill Industries of San Antonio, San Antonio, Texas.
Contract Activity: Department of the Air Force.
Service Type/Location: Janitorial/ Custodial/Brooks Air Force Base (Base Wide) Brooks AFB, Texas.

NPA: Goodwill Industries of San Antonio, San Antonio, Texas.
Contract Activity: Department of the Air Force.

Service Type/Location: Janitorial/ Custodial/Federal Complex, Kansas City, Missouri.
NPA: Independence & Blue Springs Industries, Inc., Independence, Missouri.
Contract Activity: General Services Administration.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–3783 Filed 2–14–02; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 14–2002]

Foreign-Trade Zone 153—San Diego, California; Application for Subzone; DNP Electronics America, LLC (Projection Television Screens) Chula Vista, California

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of San Diego, grantee of FTZ 153, requesting special-purpose subzone status for the manufacturing and warehousing facilities of DNP Electronics America, LLC (DNP), located in Chula Vista, California. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 8, 2002.

The DNP facility (5.4 acres, 80 employees), is located at 2391 Fenton Street, Chula Vista, California. The facility will initially be used for the manufacturing and warehousing of projection television screens (HTS 9010.60.00, duty rate 2.6%). Components and materials sourced from abroad (representing 100% of all parts consumed in manufacturing) include: UV resin, and acrylic plates (HTS 3824.90.9150, 3920.51.5000 and 3921.19.0000, duty rate ranges from 5.0% to 6.5%). The application also requests authority for future manufacturing of shadowmask (HTS 8540.91.50, 5.4%), LCD color filters (HTS 9001.20.00, 3.5%), photomasks (HTS 3705, duty-free), and lead frames (HTS 8542, duty-free) using the following imported components: chemical products, plates of plastic, glass plate for photomask and color filter, metal coil for shadow mask and aperture grille, metal coil for lead frame, nickel plates and parts for projection screens (HTS 3824, 3920, 3921, 7014.00.50, 7209.28.0000, 7225.99.0000, 7226.99.0000, 7410.22.0000, 7506, and 9010, duty rate ranges from duty-free to 8.4%).

FTZ procedures would exempt DNP from Customs duty payments on the foreign components used in export production. Some 80 percent of the plant's shipments are exported. On its domestic sales, DNP would be able to choose the duty rates during Customs entry procedures that apply to finished screens (2.6%) for the foreign inputs noted above. In addition, DNP products shipped to domestic television manufacturers with subzone status could be subject to the finished or unfinished television duty rate. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted

during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce Export Assistance Center, 6363 Greenwich Drive, Suite 230San Diego, CA 92122.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3807 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 13–2002]

Foreign-Trade Zone 27—Boston, Massachusetts; Application for Subzone; Reebok International, Ltd., (Distribution of Footwear), Lancaster, Stoughton and Norwood, Massachusetts

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Massachusetts Port Authority, grantee of FTZ 27, requesting special-purpose subzone status for the warehousing facilities of Reebok International, Ltd. (Reebok), located in Lancaster, Stoughton and Norwood, Massachusetts. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 7, 2002.

The Reebok facility is comprised of three sites with some 450 employees in Norfolk and Worcester County, Massachusetts: Site 1 (34 acres, 485,000 square feet)—located at 100 Technology Center Drive, Stoughton, Norfolk County; Site 2 (55 acres, 212,000 square feet)—located at 625 University Avenue, Norwood, Norfolk County; and Site 3 (137 acres, 285,000 square feet)—located at 580 Fort Pond Road, Lancaster, Worcester County. The facilities are used for the storage and distribution of imported footwear (primarily HTS 6402.19, 6402.91, 6402.99, 6403.19, 6403.91, 6403.99, 6404.11, 6405.10, and 6406.99, duty rate ranges from duty-free to 48%).

Zone procedures would exempt Reebok from Customs duty payments on products that are reexported. On its domestic sales, the company would be able to defer duty payments until merchandise is shipped from the plant and entered for consumption. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230. The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce Export Assistance Center, World Trade Center, Suite 307, 200 Seaport Avenue, Boston, MA 02210.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3813 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foregin-Trade Zones Board

[Docket 12–2002]

Foreign-Trade Zone 28—New Bedford, MA; Application for Subzone Status; Brittany Dyeing & Printing Corporation, (Textile Finishing)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of New Bedford, grantee of FTZ 28, requesting special-purpose subzone status for the textile finishing plant of Brittany Dyeing & Printing Corporation (Brittany), located in New Bedford, Massachusetts. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 7, 2002.

The Brittany plant (3 acres/226,000 sq.ft.) is located at 1357 Rodney French Boulevard in the city of New Bedford, Massachusetts. The facility (247 employees) is used to process customer-owned textile fabrics for the U.S. market and export. In this activity, foreign, quota-class woven fabrics (HTSUS 5208.11.20, .40, .80; 5208.12.40, .60, .80; 5209.11.00) would be admitted to the zone under privileged foreign status (19 CFR 146.41) in greige form to be dyed, printed, and finished using domestic dyes and chemicals. The finishing activity may involve shrinking, sanferizing, desizing, sponging, bleaching, cleaning/laundering, calendaring, hydroxilating, decatizing, fulling, mercerizing, chintzing, moiring, framing/beaming, stiffening, weighting, crushing, tubing, thermofixing, anti-microbial finishing, shower proofing, flame retardation, and embossing of customer-owned fabric. The finished privileged foreign status fabric would either be exported from the proposed subzone or be transferred for Customs entry under its original textile quota and HTS classifications (no activity would be permitted that would result in transformation, tariff shift, or change in quota class or country of origin), with appropriate duty assessment and quota decrement.

FTZ procedures would exempt Brittany from Customs duty payments on the foreign fabric processed for re-export. On shipments for the U.S. market, full duty payment would be deferred until the fabric is transferred from the zone for Customs entry. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the following addresses:

1. Submissions via Express/Package Delivery Services: Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building-Suite 4100W, 1099 14th Street, NW, Washington, DC 20005; or,

2. Submissions via the U.S. Postal Service: Foreign-Trade Zones Board,

U.S. Department of Commerce, FCB–4100W, 1401 Constitution Ave., NW., Washington, DC 20230.

The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address No.1 listed above and at the U.S. Department of Commerce Export Assistance Center, Suite 307, World Trade Center, 164 Northern Avenue, Boston, MA 02210.

Dated: February 7, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3812 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 11–2002]

Foreign-Trade Zone 61—San Juan, Puerto Rico; Request for Extension; Baxter Healthcare Corporation of Puerto Rico, (Pharmaceuticals)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Promoexport Puerto Rico, grantee of FTZ 61, requesting to extend special-purpose subzone status at Subzone 61H, the pharmaceutical manufacturing plant of Baxter Healthcare Corporation of Puerto Rico (Baxter), located in Guayama, Puerto Rico. It was formally filed on February 7, 2002.

Board Order 875 (62 FR 10521, 3/7/97) authorized Subzone 61H for a period of 5 years (to February 25, 2002), subject to extension. PromoExport Puerto Rico is now requesting that the manufacturing authority for Subzone 61H be extended on a permanent basis. The approved scope of authority includes the following specific items: trifluoroethanol, chlorodifluoromethane, and a plastic valve assembly (to administer anesthetics). It also includes materials in the following general categories: gums, starches, waxes, vegetable extracts, mineral oils, sugars, empty capsules, protein concentrates, prepared animal feed, mineral products, inorganic acids, chlorides, chlorates, sulfites, sulfates, phosphates, cyanides, silicates, radioactive chemicals, rare-earth metal compounds, hydroxides, hydrazine and hydroxylamine, chlorides, phosphates, carbonates, hydrocarbons, alcohols, phenols, ethers, epoxides, acetals, aldehydes, ketone function compounds, mono- and polycarboxylic acids, phosphoric esters, amine-, carboxymide, nitrile- and oxygen-function compounds, heterocyclic compounds, sulfonamides, insecticides, rodenticides, fungicides and herbicides, fertilizers, vitamins, hormones, antibiotics, gelatins, enzymes, pharmaceutical glaze, essential oils, albumins, gelatins, activated carbon, residual lyes, acrylic polymers, color lakes, soaps and detergents, various packaging and printing materials, medicaments, pharmaceutical products, and instruments and appliances used in medical sciences.

FTZ procedures exempt Baxter from Customs duty payments on foreign materials used in production for export. Some 30 percent of production is currently exported. On domestic sales, the company can choose the duty rates that apply to the finished products (duty-free). The duty rates on foreign-sourced items range from duty-free to 18.6 percent. Currently, zone savings involve choosing the finished product duty rate on SUPRANE, FORANE and AERRANE anesthetics (duty-free), rather than the rates for the foreign component: trifluoroethanol (HTSUS #2905.59.1000, duty rate—5.5%). The request indicates that the savings from FTZ procedures will continue to help improve the facility's international competitiveness. In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW, Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 525 F.D. Roosevelt Ave., Suite 905, San Juan, PR 00918.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3811 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 15–2002]

Foreign-Trade Zone 78—Nashville, TN; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Metropolitan Government of Nashville and Davidson County, grantee of FTZ 78, requesting authority to expand its zone in the Nashville, Tennessee, area. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 8, 2002.

FTZ 78 was approved on April 2, 1982 (Board Order 190, 47 FR 16191, 4/15/82) and expanded on February 18, 1999 (Board Order 1024, 64 FR 9472, 2/26/99) and on October 24, 2000 (Board Order 1124, 65 FR 66231, 11/3/00). The zone currently consists of seven sites in the Nashville, Tennessee area: *Site 1*—(52,000 square feet) within a 200,000 square foot warehouse located at 750 Cowan Street, Nashville; *Site 2*—(57 acres) within the 2,000-acre Cockrill Bend Industrial Park, Nashville; *Site 3*—(400,000 square feet) located at 323 Mason Road, La Vergne; *Site 4*—(39 acres) Space Park North Industrial Park, 1000 Cartwright Street, Goodlettsville; *Site 5*—(19 acres) Old Stone Bridge Industrial Park, Old Stone Bridge, Goodlettsville; *Site 6*—(806 acres) located at Nashville International Airport, One Terminal Drive, Nashville; and, *Site 7*—(38 acres) located within the Eastgate Business Park at 3850 Eastgate Boulevard, Lebanon, and at a *Temporary Site*—(403,750 sq. ft.) located within the Eastgate Business Park at 7800 Eastgate Boulevard, Lebanon (expires 11/1/03).

The applicant is now requesting authority to expand Site 7 to include an additional parcel (41.5 acres) located within the Eastgate Business Park at

7800 Eastgate Boulevard in Lebanon. The facility will be operated by IEC Logistics as a public warehouse facility. The proposed expansion will also include the temporary site as part of Site 7 on a permanent basis. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Execuitve Secretary at one of the addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street NW, Washington, DC 20005; or,

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue NW, Washington, DC 20230.

The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board at the first address listed above and at the U.S. Department of Commerce, Export Assistance Center, Commerce Center Building, 211 Commerce Street, Third Floor, Suite 300, Nashville, TN 37201–1802.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3808 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 10–2002]

Foreign-Trade Zone 36—Galveston, TX; Application for Subzone; Deepsea Flexibles, Inc., (Flexible Pipeline Manufacturing), Galveston, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Galveston, grantee of FTZ 36, requesting special-purpose subzone status for the manufacturing and warehousing facilities of Deepsea Flexibles, Inc. (Deepflex), located in Galveston, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 6, 2002.

The Deepflex facility (1.5 acres, 31 employees), is located at 3306 Wharf Road, Galveston, Texas (Galveston County). The facility is used for the manufacturing and warehousing of flexible pipelines. The only component sourced from abroad (representing about 10% of all parts consumed in manufacturing) is poly para-phenylene terephthalamide (PPD-T aramid fiber) (HTS 5402.10.3050, duty rate 9%). The company is requesting authority to use zone procedures only for product that will be exported. The aramid fiber used on any finished product sold for domestic consumption will be entered for consumption and duty paid prior to manufacturing in the zone.

FTZ procedures would exempt Deepflex from Customs duty payments on the aramid fiber used in export production. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW, Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW, Washington, DC 20230. The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce Export Assistance Center, 500 Dallas, Suite 1160, Houston, TX 77002.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3810 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–837]

Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan: Notice of Rescission of Antidumping Duty Administrative Review

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

ACTION: Notice of Rescission of Antidumping Duty Administrative Review.

SUMMARY: In response to a timely request from the petitioner, Goss Graphic Systems, Inc., on October 26, 2001, the Department of Commerce published a notice of initiation of an administrative review of the antidumping duty order on large newspaper printing presses and components thereof, whether assembled or unassembled, from Japan with respect to Mitsubishi Heavy Industries, Ltd. and Tokyo Kikai Seisakusho, Ltd., covering the period September 1, 2000, through August 31, 2001. On December 21, 2001, the petitioner timely notified the Department of its withdrawal from this and all other segments of the proceeding concerning large newspaper printing presses and components thereof, whether assembled or unassembled, from Japan.

On January 16, 2001, the Department published its partial revocation of the order on large newspaper printing presses and components thereof, whether assembled or unassembled, from Japan with respect to Tokyo Kikai Seisakusho, Ltd., effective September 1, 2000. Accordingly, the Department is now rescinding this review with respect to this company.

In accordance with 19 CFR 351.213(d)(1), the Department of Commerce is also rescinding this review with respect to Mitsubishi Heavy Industries because the petitioner has withdrawn its interest (and thus its request) in this review and no other interested parties have requested a review.

EFFECTIVE DATE: February 15, 2002.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Katherine Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4136 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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

Background

On September 4, 2001, the Department published in the Federal Register (66 FR 46257) a notice of ''Opportunity To Request Administrative Review'' of the antidumping duty order on large newspaper printing presses and components thereof, whether assembled or unassembled (''LNPPs''), from Japan for the period from September 1, 2000, through August 31, 2001. On September 28, 2001, the petitioner requested an administrative review of the above-referenced antidumping duty order for the period from September 1, 2000, through August 31, 2001, for Mitsubishi Heavy Industries, Ltd. (''MHI'') and Tokyo Kikai Seisakusho, Ltd. (''TKS''). On October 26, 2001, the Department published a notice of initiation of an administrative review of the antidumping duty order on LNPPs from Japan with respect to these companies. See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 66 FR 54195 (October 26, 2001).

Recission of Review

On December 21, 2001, the petitioner timely withdrew its participation from this review with respect to MHI and TKS. We interpret the petitioner's withdrawal of interest in this review to constitute withdrawal of its request for this review. Section 19 CFR 351.213(d)(1) of the Department's regulations stipulates that the Secretary may permit a party that requests a review to withdraw the request no later than 90 days after the date of publication of the notice of initiation of the requested review. In this case, the petitioner has withdrawn its request for review within the 90–day period. No other interested party requested a review. Furthermore, on January 16, 2001, the Department published its partial revocation of the order on LNPPs from Japan with respect to TKS, effective September 1, 2000, pursuant to the completion of the final results of the third administrative review of the order for TKS. See Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Japan: Final Results of Antidumping Administrative Review and Revocation in Part, 67 FR 2190 (January 16, 2002). Therefore, we are rescinding this review of the antidumping duty order on LNPPs from Japan.

This notice is published in accordance with section 751 of the Act and section 19 CFR 351.213(d)(4).

February 8, 2002.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 02–3806 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020102A]

International Whaling Commission: Nominations

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

ACTION: Request for nominations.

SUMMARY: This notice is a call for nominees for the U.S. Delegation to the May 2002 International Whaling Commission (IWC) annual meeting.

DATES: All nominations for the U.S. Delegation to the IWC annual meeting must be received by March 1, 2002.

ADDRESSES: All nominations for the U.S. Delegation to the IWC annual meeting should be addressed to the U.S. Commissioner to the IWC, and sent via post to: Chris Yates, 13739, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910. Prospective Congressional advisors to the delegation should contact the Department of State directly.

FOR FURTHER INFORMATION CONTACT: Chris Yates, 301–713–2322, Extension 114.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is charged with the responsibility of discharging the obligations of the United States under the International Convention for the Regulation of Whaling, 1946. The U.S. commissioner has primary responsibility for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce and assisted by the Department of State, the Department of the Interior, Marine Mammal Commission, and by other agencies. The non-federal representative selected as a result of this nomination process is responsible for providing input and recommendations to the U.S. IWC Commissioner representing the positions of non-governmental organizations.

The IWC is hosting its 54th annual meeting from May 20–25, 2002, in Shimonoseki, Japan.

Dated: February 12, 2002.

David Cottingham,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–3824 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021102C]

Taking and Importing of Marine Mammals

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

ACTION: Notice of proposed organized decision process; request for comment.

SUMMARY: The Dolphin Protection Consumer Information Act (DPCIA) requires the Secretary of Commerce (Secretary), subject to certain conditions, to amend the ''dolphin-safe'' labeling standard so that tuna from the eastern tropical Pacific Ocean (ETP) purse seine fishery caught in sets in which no dolphins were killed or seriously injured may be labeled ''dolphin-safe.'' The Secretary is required by the Marine Mammal Protection Act (MMPA) to conduct specified scientific research and to make a finding, based on the results of that research, information obtained under the International Dolphin Conservation Program (IDCP), and any other relevant information, as to whether the

intentional deployment on or encirclement of dolphins with purse seine nets is having a ''significant adverse impact'' on any depleted dolphin stock in the ETP. ''Significant adverse impact'' is not further defined in the statute. In this notice, NMFS proposes the types of information that will be available to the Secretary and the context in which the Secretary will consider the information in arriving at a final finding regarding significance. NMFS is seeking comments on the proposed decision-making process at this time.

DATES: Comments on this notice must be received by April 16, 2002. The deadline of May 1, 2002, to submit to NMFS scientific information available for the Secretary's consideration, is final.

ADDRESSES: Written comments on the proposed decision process should be sent to the Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, California, 90802–4213. Comments may also be sent via facsimile at 562–980–4027. Comments will not be accepted if submitted via electronic mail or the Internet.

Scientific information for the Secretary's consideration should be sent to the Director, NMFS Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA, 92037. Comments will not be accepted if submitted via electronic mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Nicole R. Le Boeuf, Southwest Fisheries Science Center, NMFS, 858–546–7147.

SUPPLEMENTARY INFORMATION:

Background

The MMPA, 16 U.S.C. 1361 *et seq.*, as amended by the International Dolphin Conservation Program Act (IDCPA), (Public Law 105–42), requires the Secretary to conduct scientific research on dolphin stocks in the ETP. The DPCIA (16 U.S.C. 1385), as amended by the IDCPA, requires the Secretary to make a finding, based on the scientific research, information obtained under the IDCP, and any other relevant information, as to whether the intentional deployment on or encirclement of dolphins with purse seine nets is having a ''significant adverse impact'' on any depleted dolphin stock in the ETP. There are three depleted dolphin stocks in the ETP: northeastern offshore spotted, eastern spinner, and coastal spotted.

The Secretary's finding will determine the definition of ''dolphin-safe'' as applicable to tuna harvested by purse seine vessels with carrying capacities of greater than 400 short tons operating in the ETP. Refer to the **Federal Register** Notice at 64 FR 24590 (May 7, 1999), for more information on the dolphin-safe labeling standard.

The DPCIA requires the Secretary to make an initial finding regarding the dolphin-safe label in 1999, and a final finding by December 31, 2002. On April 29, 1999, NMFS made an initial finding that there was insufficient evidence at that time to determine whether the chase and encirclement of dolphins by the tuna purse seine fishery was having a significant adverse impact on any depleted dolphin stock in the ETP (NMFS 1999) (64 FR 24590; May 7, 1999). The U.S. District Court for the Northern District of California in *Brower* v. *Daley*, 93 F. Supp. 2d 1071 (N. D. Ca. 2000), set aside this determination, and that finding was affirmed by the Ninth Circuit Court of Appeals in *Brower* v. *Evans*, 257 F. 3d 1058 (9th Cir. 2001). As a result, the labeling standard (from (h)(2) of the DPCIA) is in effect.

For the initial finding, NMFS had the following scientific information available: dolphin abundance data from NMFS 1998 and previous surveys, mortality and abundance estimates based on tuna vessel observer data, a comprehensive review of scientific literature on stress in marine mammals, and then current and historical environmental information from the ETP. The final stages of the mandated IDCPA research, which will soon be complete, are expected to provide substantial additional information for the final finding. Some of this new information will generally include: dolphin abundance data from 1999 and 2000, updated mortality estimates based on observer data, an updated review of scientific literature on stress in marine mammals, results from a necropsy study of dolphins killed in the fishery, a review of historical demographic and biological data related to dolphins involved in the fishery, results from the chase-recapture experiment, as well as information regarding variability in the biological and physical parameters of the ETP ecosystem over time.

To accommodate this newly available scientific and other relevant information and based on input received on the initial finding in 1999, NMFS is revising its decision-making process for the final finding. The proposed organized decision process provides the Secretary with guidance for systematically reviewing the different types of information in reaching a final decision and would be consistent with the decisions of the U.S. District Court and Ninth Circuit Court of Appeals, which are referenced above. In order to provide the public with an opportunity to review and give input regarding the Secretary's decision framework, NMFS is soliciting public comment on the proposed decision process described here.

Overview: How to Determine Significance

It is widely known that the tuna fishery in the ETP, using intentional deployment on or encirclement of dolphins in tuna purse seine nets, causes some dolphin mortality. The question for the Secretary is whether or not interaction with the fishery is having a ''significant adverse impact'' on any depleted dolphin stock in the ETP. There is also general agreement that the number of mortalities that can be sustained by the dolphin stocks before it becomes significant depends on the state of the ETP ecological structure for dolphins. In essence, if the ETP carrying capacity for dolphins has declined or the ecological structure of the ETP has changed, dolphin stocks could sustain fewer mortalities than if the carrying capacity has remained constant or increased or if the ecological structure of the ETP has not changed. Moreover, because it is clear that direct (and potentially some level of indirect) mortality can be attributed to the fishery, the population growth rates of the dolphin stocks need to be sufficient so as to not risk recovery. The remainder of this notice describes how those factors will be assessed by the Secretary in making the final finding regarding whether the tuna purse seine fishery is having a significant adverse impact on any depleted dolphin stock in the ETP.

The Role of Direct Mortality in the Decision Process

To assist the Secretary in reaching a final finding in 2002, NMFS is examining various potential effects of the tuna purse seine fishery on depleted ETP dolphin stocks. Information on direct mortality will be considered, along with quantifiable estimates of indirect mortality and other effects, by the Secretary in making the final finding.

The Role of Indirect Mortality in the Decision Process

While direct mortality by the tuna fishery is a known impact on the dolphin stocks, there are several other possible means by which the fishery could be impacting the stocks. These possible means are often not observed (sometimes termed ''cryptic'' or indirect) and may include: (1) delayed

mortality from stress effects caused by chase and capture; (2) impaired reproduction from stress effects resulting from chase and capture; (3) calf mortality owing to cow-calf separation during fishing operations; (4) social structure disruption attributable to chase and capture; (5) facilitated mortality by making the dolphins more vulnerable to predation after the chase; and (6) interference with dolphin feeding. To measure the impact of indirect effects, the MMPA specifically requires the Secretary to conduct stress studies, including: (1) a review of stress-related research; (2) a three-year necropsy study of dolphins killed in the tuna fishery; (3) a one-year review of relevant historical demographic and biological data; and (4) an experiment involving the repeated chasing and capturing of dolphins by means of intentional encirclement. Studies conducted under the IDCPA research program, information obtained under the IDCP, and other available scientific information should provide insights into the nature and the magnitude of fishery-induced impacts related to these specific sources in addition to those caused by direct mortality. Upon reviewing this information, the Secretary will determine whether or not the intentional deployment on or encirclement of dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the ETP.

The Role of Ecosystem Changes in the Decision Process

Because substantial changes in an ecosystem can have profound effects on the ability of a population or stock of organisms to thrive and/or recover from a previous period of overexploitation (such as with depleted stocks), the Secretary will consider scientific evidence of whether a significant ecosystem change has occurred in the ETP. Particularly, the Secretary will determine whether any change is likely to have increased or decreased (1) the ecological structure or carrying capacity for the three depleted stocks or (2) the rate at which the stocks are able to reach their optimum sustainable population (OSP) level. OSP is the level at which the number of animals in a population are sufficient to achieve the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

Methods For Determining Significance of Estimated Mortality

To assess the significance of estimated mortality in the fishery, the Secretary will use established methods of managing marine mammal mortality under the MMPA. These ''mortality standards'' may include the Potential Biological Removal (PBR) and the Stock Mortality Limit (SML) systems, as well as other standards as appropriate.

NMFS relies on the PBR system, developed as a tool for implementation of the MMPA, for regulating incidental mortality of marine mammal stocks by U.S. fisheries other than the tuna purse seine fishery in the ETP. The PBR system was developed in a series of workshops with participation of experts from NMFS and was refined following input from the Marine Mammal Commission, outside experts, and the public. The PBR level of a marine mammal stock is the maximum number of animals, in addition to natural mortalities, that may be removed while allowing that stock to reach or maintain OSP. Although ETP dolphin mortality is generally not managed under this system, PBR serves here as a valuable mortality standard to measure significance of mortality in marine mammal-fishery interactions because it is a risk averse method of incorporating uncertainty in management models for marine mammals. The formula for calculating PBR can be found in Wade and Angliss (1997), available at *http://nmml.afsc.noaa.gov/library/gammsrep/gammsrep.htm.*

In examining estimated mortality, the Secretary may also consider other mortality standards, such as those utilized by the SML system, to manage fishery-induced dolphin mortality levels in the ETP. The SML system uses substantially lower limits for dolphin mortality than the PBR approach. The SML system was conceived by nations participating in the IDCP and several non-governmental conservation organizations, in consultation with the Inter-American Tropical Tuna Commission. It is now being implemented by the signatory nations of the Agreement on the International Dolphin Conservation Program (AIDCP). Pursuant to the MMPA, as amended by the IDCPA, the SMLs (per-stock per-year dolphin mortality limits) beginning in calendar year 2001 are set at less than or equal to 0.1 percent of the minimum population estimate of each dolphin stock. Additional information on SMLs can be found in Annex III of the AIDCP, available at: *http://www.nmfs.noaa.gov/prot—res/PR2/Tuna—Dolphin/AIDCP.html*

The established standards of PBR and SML are incorporated into the Secretary's organized decision process to assess whether or not the intentional deployment on or encirclement of dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the ETP. Similar to previous work (Gerrodette 1996), NMFS will make calculations of PBR levels and SMLs for the final finding, based on the recent abundance estimates from the ETP surveys conducted under the IDCPA research program. Further discussion of how the PBR, SML, or other appropriate mortality standards will be used in the final finding decision process can be found below.

The Organized Decision Process

NMFS proposes an organized decision process to provide the Secretary with a systematic approach for evaluating multiple types of data in a situation complicated by uncertainty. The decision process described here consists of separate measures of fishery and environmental effects on dolphins that the Secretary will consider in reaching a final decision on whether or not the fishery is having a significant adverse impact on any depleted dolphin stock in the ETP.

The proposed decision process consists of a series of questions that the Secretary will consider in reaching a final decision. These questions are as follows:

(1) Ecosystem Question
(2) Direct Mortality Question
(3) Indirect Effects Question
(4) Abundance Question

The answer to the Ecosystem Question will provide an ecological context (as described above) for the Secretary to consider the remaining three questions. For the Direct Mortality and the Abundance Questions, the proposed decision process provides basic thresholds that will result in a ''yes'' or ''no'' answer to the questions. If the Secretary answers ''yes'' to either question, the Secretary will conclude that the fishery is having a significant adverse impact. For the Ecosystem and the Indirect Effects Questions, the Secretary will review the available information as well as the evidence presented by members of two expert panels (see below) in reaching final conclusions.

Details on how the Secretary will consider the four questions are as follows:

(1) *The Ecosystem Question.* During the period of the fishery, has the carrying capacity of the ETP for dolphins declined substantially or has

the ecological structure of the ETP changed substantially in any way that could impede depleted dolphin stocks from growing at rates expected in a static ecosystem? Or has the carrying capacity increased substantially or has the ecological structure changed in any way that could promote depleted dolphin stocks to grow at rates faster than expected in a static ecosystem?

To determine the answer to these questions, the Secretary will consider scientific information collected and/or evaluated by NMFS, as well as information rendered individually from members of a panel of independent scientific experts in biological oceanography and ecology (the Ecosystem Panel). The panel members' assessments will be based on their review of relevant oceanographic and ecosystem data (physical and biological habitat and distribution, abundance, and ecology of other organisms in the ETP) from the period of the fishery.

(2) *The Direct Mortality Question*. For any depleted stock, does the estimate of the total fishery-attributed dolphin mortality, obtained by adding together estimates of direct mortality and, where appropriate, quantifiable levels of indirect mortality, exceed the mortality standard considered appropriate by the Secretary?

NMFS scientists will calculate from the three recent abundance estimates (1998, 1999, 2000) the PBR levels for each stock and provide them, along with measures of uncertainty, to the Secretary. Estimates of direct mortality and indirect mortality (where appropriate) will be compared to the PBR and other mortality standards to be considered by the Secretary. The Secretary will also take into account the assessments from the Ecosystem Panel members regarding possible changes in the carrying capacity and/or the ecosystem structure of the ETP. The Secretary will consider the information with the understanding that adverse effects from unfavorable changes in the ecosystem may require the use of mortality standards below PBR levels. When evaluating the impact of mortality levels on dolphin stocks, the Secretary may also consider the SML standard as well as other standards as appropriate.

(3) *The Indirect Effects Question*. For each stock, is the estimated number of dolphins affected by the tuna fishery, considering data on sets per year, mortality attributable to the fishery, indicators of stress in blood, skin and other tissues, cow-calf separation and other relevant indirect effects information, at a level that is cause for concern (how and to what degree)?

The answer to this question will be based on information collected and/or evaluated by NMFS, as well as assessments from members of a panel of independent scientific experts in veterinary science, physiology, and other stress-related fields (Indirect Effects Panel). The panel members' assessments will be based on their review of relevant behavioral, ecological, immunological, pathological, and other information with respect to the dolphin stocks involved. For this question, the Secretary will also consider the evidence presented by the Ecosystem Panel members regarding possible changes in the carrying capacity and/or the ecosystem structure of the ETP and how it relates to adverse impacts attributable to the fishery on dolphin stocks as described above.

(4) *The Abundance Question*. For each depleted dolphin stock, is the estimate of the observed population growth rate sufficient so as not to risk recovery or appreciably delay recovery to its OSP level?

To answer this question, the Secretary will consider results from calculations in which NMFS scientists fit a population model to the time series of NMFS research vessel abundance estimates using the time series of estimates of the incidental mortality from the tuna vessel observer data (TVOD). If pending analysis indicates that the time series of relative abundance estimates from the TVOD are sufficiently reliable, they will also be used to estimate trends in dolphin abundance. NMFS scientists will estimate growth rates for each dolphin stock and determine measures of uncertainty for each estimate and provide this information to the Secretary. The Secretary will also take into account assessments from the members of the Ecosystem Panel when considering the estimated growth rates.

Appointment of Scientific Expert Panels

As indicated above in explanations of the Ecosystem and the Indirect Effects Questions, the Secretary will appoint two panels of independent scientific experts to provide individual assessments in determining the answers to these two questions as a part of the organized decision process. The independent experts will make their conclusions based on a review of the results from the IDCPA research program, information obtained under the IDCP, and other relevant information. The use of independent expert judgment in obtaining guidance on complex and highly technical bodies of information, such as those relevant to the Ecosystem and the Indirect Effects Questions, is consistent with science-based, decision-making processes like that proposed here. NMFS plans to select panelists in close consultation with professional scientific organizations. NMFS will publish criteria for panelist selection and the selection process in the **Federal Register** in the near future.

Consideration of Available Scientific Information

The Secretary will make the final finding based on information available from studies conducted under the IDCPA research program, information obtained under the IDCP, and other available scientific information. All quantitative information provided to the Secretary will be accompanied by associated statistical measures of certainty and confidence.

While NMFS is conducting much of the research that will form the basis of the final finding, there may be other sources of information that the Secretary will consider pursuant to the MMPA. NMFS will need time to properly assess and evaluate information to be considered by the Secretary, therefore, all other information must be submitted to NMFS by May 1, 2002. The weight given scientific information will be determined by the degree to which the scientific information meets the following elements: (1) relevant, (2) timely, (3) independently peer-reviewed, and (4) available to NMFS for verification.

Scientific information means the results of properly designed scientific research. *Author(s)* means the originator(s) of the scientific information whose names appear on the written document. *Independent(ly)* means that the action was undertaken by one or more individuals that do not have any fiduciary, supervisory, subordinate or other geographically close organizational relationship to the author(s). *Peer* means a scientist practicing in the same or very closely related field of study as the scientific information. *Relevant* means the scientific information is pertinent to the use of the information. *Timely* means the relevancy of scientific information least degraded by the passage of time. *Passed independent peer review* means the scientific information has been published in a refereed scientific journal in its field or independently read and criticized in writing by at least three peers; the criticism was disposed of either by acceptance or rebuttal, as appropriate, by the author(s); and the disposition of the criticism by the author(s) was independently determined to be appropriate and

adequate. *Verification* means that the data, procedures, methods, equipment, mathematics, statistics, models, computer software and anything else used to produce the scientific information are to be submitted to NMFS in a timely manner such that the scientific information may be replicated or rejected. For the final finding, ''in a timely manner'' means as of May 1, 2002.

Deadline for Submission of Public Comments

NMFS is soliciting public comment on the organized decision process proposed in this notice and will consider public comments in the development of the final decision process if received by April 16, 2002. See **ADDRESSES** above.

Dated: February 12, 2002.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

Literature Cited

Gerrodette, T. 1996. A comparison of mortality limits for eastern tropical Pacific dolphins under the Declaration of Panama and under Potential Biological Removal (PBR) management. NMFS Administrative Report LJ–96–18. Available from the Southwest Fisheries Science Center, P.O. Box 271, La Jolla, CA 92038–0271 or at *http://swfsc.nmfs.noaa.gov/IDCPA/IDCPAfront.html*.

NMFS 1999. Report to Congress on the initial finding, required under the Marine Mammal Protection Act of 1972 as amended by the International Dolphin Conservation Program Act of 1997, regarding whether the intentional deployment on or encirclement of dolphins with purser seine nets is having a significant adverse impact on any depleted dolphin stock in the eastern tropical Pacific Ocean. Report prepared by the Southwest Fisheries Science Center, National Marine Fisheries Service, National Oceanic Atmospheric Administration. 60 pp. Available from the Southwest Fisheries Science Center, P.O. Box 271, La Jolla, CA 92038–0271 or at *http://swfsc.nmfs.noaa.gov/mmd/congress/congress.htm.*

Wade, P.R. and R.P. Angliss. 1997. Guidelines for assessing marine mammal stocks: Report of the GAMMS workshop April 3–5, 1996, Seattle, Washington. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-OPR–12. This document is available at:*http://nmml.afsc.noaa.gov/library/gammsrep/gammsrep.htm.*

[FR Doc. 02–3798 Filed 2–12–02; 4:32 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020602E]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of its Advisory Panel Selection Committee, Scientific and Statistical Selection Committee, Executive Committee, Dolphin Wahoo Committee, Calico Scallop Committee, Snapper Grouper Committee and a joint meeting of the Snapper Grouper Committee and the Wreckfish Advisory Panel, Habitat Committee, and Shrimp Committee. Public comment periods will be held during some of the meetings. There will also be a full Council Session.

DATES: The meetings will be held March 4–8, 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Hilton Savannah DeSoto, 15 East Liberty Street, Savannah, GA 31401; telephone: (1-800) 426–8483 or (912) 232–9000.

Copies of documents are available from Kim Iverson, Public Information Officer, and South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: 843–571–4366; fax: 843–769–4520; email: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Meeting Dates

1. *Advisory Panel Selection Committee: March 4, 2002, 1:30 p.m. – 3 p.m.*

The Advisory Panel Selection Committee will meet in a closed session to review membership applications and develop recommendations. The Advisory Panel Selection Committee will meet in open session to discuss establishing a new Information and Education Advisory Panel.

2. *Scientific and Statistical Selection Committee Meeting: March 4, 2002, 3 p.m. – 4 p.m.*

The Scientific and Statistical Selection Committee will meet in a closed session to review candidates for appointment to the Scientic and Statistical Committee (SSC) and develop recommendations.

3. *Executive Committee Meeting: March 4, 2002, 4 p.m. – 5:30 p.m.*

The Executive Committee will meet to review the NMFS/Council Operations Plan, the new NMFS/Council Assessment Peer Review Process, the status of Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) reauthorization, and the results from the Executive Directors/NOAA/NMFS meeting. The Executive Committee will also review and approve the Council's Calendar Year (CY) 2002 activities schedule.

4. *Dolphin Wahoo Committee Meeting: March 5, 2002, 8:30 a.m. to 10:30 a.m.*

The Dolphin Wahoo Committee will meet to review comments on the Draft Fishery Management Plan (FMP) and Draft Environmental Impact Statement (DEIS) regarding the dolphin wahoo fishery. The Committee will review and approve changes to the document. The Dolphin Wahoo Committee will also review the Biological Evaluation and the timeline for completion of the FMP/Final Environmental Impact Statement (FEIS).

5. *Calico Scallop Committee Meeting: March 5, 2002, 10:30 a.m. to 12 noon.*

The Calico Scallop Committee will meet to review the Section 7 process regarding the FMP for the calico scallop fishery. The Committee will discuss any changes to the FMP that may be necessary and approve the DEIS for review. The Committee will also discuss the timeline for completion of the FMP/FEIS.

6. *Joint Snapper Grouper Committee and Wreckfish Advisory Panel Meeting: March 5, 2002, 1:30 p.m.to 5 p.m. and Snapper Grouper Committee Meeting March 6, 2002, 8:30 a.m. to 12 noon.*

A public scoping meeting will be held during the committee meeting on: (1) Amendment 13 (maximum sustainable yield (MSY), optimum yield (OY), Overfishing Levels, etc.) and (2) Amendment 14 (Marine Protected Areas). Documents regarding these issues are available from the Council office (see **ADDRESSES**). The Snapper Grouper Committee and Wreckfish Advisory Panel will meet to review and comment on the following: Status of Wreckfish Stock, Status of Wreckfish Research, Potential Framework Changes (e.g., total allowable catch, closures,

etc.), and Wreckfish Items in the Options Paper for Snapper Grouper Amendment 13 (MSY, OY, Overfishing levels, and Collecting Fees for Individual Transferable Quota Programs). The Snapper Grouper Committee will meet to review Proposed actions for Amendment 13 to the Snapper Grouper Fishery Management Plan including permit transfers, snowy grouper and golden tilefish management, prohibition of the sale of mutton snapper in May and June, review of stock status for speckled hind and warsaw grouper and evaluation of current regulations, spawning site closures and other measures. The Committee will also review possible sites for marine protected areas (Amendment 14).

7. *Habitat Committee Meeting: March 6, 2002, 1:30 p.m. to 5:30 p.m.*

A public hearing will be held during the committee meeting on the Draft Supplemental Environmental Impact Statement (DSEIS) regarding the Sargassum FMP. Documents regarding the Sargassum FMP are available from the Council office (see **ADDRESSES**). The Habitat Committee will meet to review comments received on the DEIS regarding the Sargassum FMP, approve the Final Sargassum FMP/FEIS for review by the Secretary of Commerce, review the workshop process to update essential fish habitat information, and address Ecosystem FMP issues.

8. *Shrimp Committee Meeting: March 7, 2002, 8:30 a.m. to 12 noon.*

A public scoping meeting will be held during the committee meeting on Amendment 6 to address (1) Sustainable Fisheries Act Criteria (MSY, OY, Overfishing Levels, etc.) and (2) Potential Modification to the Bycatch Reduction Device (BRD) Protocol. Documents regarding these issues are available from the Counciloffice (see **ADDRESSES**). The Shrimp Committee will meet to review the status of Shrimp Amendment 5 and to review options for Shrimp Amendment 6 addressing the BRD Protocol, MSY, OY, and Overfishing levels.

9. *Council Session: March 7, 2002, 1:30 p.m. to 5:30 p.m. and March 8, 2002, 8:30 a.m. to 11:30 a.m.*

From 1:30 p.m. – 1:45 p.m., the Council will have a Call to Order, introductions and roll call, adoption of the agenda, and approval of the December 2001 meeting minutes.

From 1:45 p.m. – 2:45 p.m., the Council will hear a report from the Habitat Committee regarding the Sargassum FMP/FEIS. Public comment will be allowed, and the Council will approve the final Sargassum FMP/FEIS for formal review by the Secretary of Commerce.

From 2:45 p.m. – 3:15 p.m., the Council will hear a report from the Snapper Grouper Committee regarding Amendments 13 (MSY, OY, Overfishing, etc.) and 14 (marine protected area sites). Public comment will be allowed on any potential wreckfish framework changes, and the Council will approve any necessary framework changes for the wreckfish fishery.

From 3:15 p.m. – 3:45 p.m., the Council will hear a report from the Shrimp Committee concerning options for Amendment 6.

From 3:45 p.m. – 4:15 p.m., the Council will hear a report from the Dolphin Wahoo Committee and approve any necessary changes to the FMP.

From 4:15 p.m. – 4:45 p.m., the Council will hear a report from the Calico Scallop Committee and approve the DEIS for review.

From 4:45 p.m. – 5 p.m., the Council will hear a report from the Advisory Panel Selection Committee, appoint new members to the advisory panels, and establish a new Information and Education Advisory Panel.

On March 8th, from 8:30 a.m. – 8:45 a.m., the Council will hear a report from the Scientific and Statistical Selection Committee and revise the SSC membership.

From 8:45 a.m. – 9:15 a.m., the Council will hear a report from the Executive Committee and approve the Council's CY 2002 Activities Schedule and Operations Plan.

From 9:15 a.m. – 9:45 a.m., the Council will hear a report on the status of the NMFS Southeast Fisheries Science Center activities.

From 9:45 a.m. – 10 a.m., the Council will hear a report on the status of Atlantic Coastal Cooperative Statistics Program.

From 10 a.m. – 10:30 a.m., the Council will hear a report from NOAA General Counsel on the status of the management unit in the New England Fishery Management Council's Red Crab FMP and potential impacts on the South Atlantic Fishery Management Council's Golden Crab FMP and the status of the allowable gear rule change request.

From 10:30 a.m. – 10:45 a.m., the Council will hear a status report from NMFS on Golden Crab Amendment 3. The Council will also hear NMFS status reports on landing for Atlantic king mackerel, Gulf king mackerel (eastern zone), Atlantic Spanish mackerel, snowy grouper and golden tilefish, wreckfish, greater amberjack and south Atlantic octocorals.

From 10:45 p.m. – 11:30 a.m., the Council will hear Agency and Liaison Reports, discuss other business and upcoming meetings.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by February 25, 2002.

Dated: February 12, 2002.

Richard W. Surdi,

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

[FR Doc. 02–3814 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021102B]

Marine Mammals; File No. 1003–1665

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Dr. Jennifer Moss Burns, University of Alaska Anchorage, Department of Biological Sciences, College of Arts and Sciences, 3211 Providence Drive, Anchorage, AK 99508, has applied in due form for a permit to take Pacific harbor seals (*Phoca vitulina richardsi*) for purposes of scientific research.

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

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

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

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586–7221; fax (907) 586–7249.

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

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 et seq.), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant proposes to: take up to 40 Pacific harbor seals per year in Southeast Alaska by capture, blood and tissue sampling, and attachment of scientific instruments; and up to 500 harbor seals per year by disturbance during capture, scat collection, and ground and aerial surveys. The purpose of the research is to study the physical factors (e.g. ice and water conditions, seasons) that influence seal use of habitat and monitor seal foraging behavior and prey selection.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 11, 2002.

Eugene T. Nitta,

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

[FR Doc. 02–3816 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board

ACTION: Notice.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following Committee meeting:

Date of Meeting: March 5, 2002 from 0800 a.m. to 1700 p.m., March 6, 2002 from 0800 a.m. to 1700 p.m, and March 7, 2002 from 0800 to 1700 p.m.

Place: Holiday Inn Arlington at Ballston, 4610 North Fairfax Drive, Arlington, VA 22203.

Matters to be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of $1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

For Further Information Contact: Ms. Veronica Rice, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2119.

Dated: February 7, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–3702 Filed 2–15–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to delete and amend systems of records.

SUMMARY: The Department of the Army is deleting and amending systems of records notices in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on March 8, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, Attn: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 7, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion

A0040–1 HSC

SYSTEM NAME:

Professional Personnel Information File (February 22, 1993, 58 FR 10002).

Reason: The Department of the Army has determined that this system of records is no longer needed. The data being maintained in this system of records have been transferred to other Army Privacy Act systems of records which maintain Army personnel records, or they have been destroyed.

Amendment

A0027–60b DAJA

SYSTEM NAME:

Patent, Copyright, and Data License Proffers, Infringement Claims, and Litigation Files (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; 17 U.S.C., Copyrights; 15 U.S.C. Chapter 22, Trademarks; 15 U.S.C. Chapter 63, Technology Innovation; Army Regulation, 27–40, Litigation; Amy Regulation 27–60, Intellectual Property; Army Regulation 70–57, Military-Civilian Technology Transfer; DA PAM 27–11, Army Patents; and E.O. 9397 (SSN).'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reword entry to read 'To non-DoD government agencies involved in claims or litigation to determine the validity of allegations for the purposes of properly prosecuting or defending the case.

To Department of the Justice Civil Division to determine the validity of allegations for proper prosecution or defense of allegations in claims or litigation.

To Congress to receive reports for the purpose of determining the Department of the Army's position on particular bills for private relief.

To law students to permit them to provide legal support for the purposes of participating in a volunteer legal support program approved by the Judge Advocate General of the Army.''

* * * * *

STORAGE:

Delete entry and replace with 'Paper records in file folders and on electronic storage media.''

RETRIEVABILITY:

Add to entry 'and/or case number'.

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Infringement allegations, patent License proffers, patent infringement and administrative litigations, data licensing and litigation, copyright infringement and litigation claims are destroyed after 30 years. Request for greater rights, royalty records and intellectual property private litigations are destroyed after 20 years; government asserted claims are destroyed after 25 years, infringement legislative claims are destroyed after 35 years; proffer and infringement claims dockets are maintained in current file area then destroyed after 40 years.'

* * * * *

A0027–60b DAJA

SYSTEM NAME:

Patent, Copyright, and Data License Proffers, Infringement Claims, and Litigation Files.

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Army, Intellectual Property Office, Regulatory Law and Intellectual Property Division, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041–5013.

Segments of this system may exist at the Office, Chief of Engineers, Headquarters, U.S. Army Materiel Command, and/or its major subordinate field commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants or defendants in administrative proceedings or litigation with the government for improper use, infringement, enforcement of agreements, or comparable claims concerning patents or copyrights; individuals having copyrights in material in which the Department of the Army is interested; individuals who own patents which they offer to license to Department of the Army; individuals seeking private relief before the Congress because of right in inventions, patents, copyrights, or data licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative assertion of claims by and against the government and to litigation with the government for alleged misuse of patents, copyrights, trademarks, and data, including inquiries, investigations, settlements, communications with claimants or defendants, and related correspondence; documents relating to advice and assistance provided in obtaining licenses for Department of the Army use of copyright material; documents relating to the investigation and disposition of patent license offers; documents relating to investigations in connection with processing proposed legislation or bills for private relief of individuals because of rights of individuals in inventions, patents, copyrights, or data, including reports of investigations, comments or recommendations, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; 17 U.S.C., Copyrights; 15 U.S.C. Chapter 22, Trademarks; 15 U.S.C. Chapter 63, Technology Innovation; Army Regulation, 27–40, Litigation; Army Regulation 27–60, Intellectual Property; Army Regulation 70–57, Military-Civilian Technology Transfer; DA PAM 27–11, Army Patents; and E.O. 9397 (SSN).

PURPOSE(S):

To maintain evidence and record of claims and litigation involving Department of the Army concerning patents, trademarks, copyrights, and data; to maintain evidence and record of Department of the Army attempts to use copyrighted material and to receive the copyright owner's permission for such use; to maintain record and evidence of patent license offers received and investigations and reports pursuant thereto; and to maintain record and evidence of investigations of proposed legislation or bills for private relief.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To non-DoD government agencies involved in claims or litigation to determine the validity of allegations for the purposes of properly prosecuting or defending the case.

To Department of the Justice Civil Division to determine the validity of allegations for proper prosecution or defense of allegations in claims or litigation.

To Congress to receive reports for the purpose of determining the Department of the Army's position on particular bills for private relief.

To law students to permit them to provide legal support for the purposes of participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on electronic storage media.

RETRIEVABILITY:

By individual's surname and/or case number.

SAFEGUARDS:

Records are maintained in buildings, which employ security guards and are accessed only by authorized personnel having official need-to-know. Automated segments are protected by controlled system passwords governing access to data.

RETENTION AND DISPOSAL:

Infringement allegations, patent License proffers, patent infringement and administrative litigations, data licensing and litigation, copyright infringement and litigation claims are destroyed after 30 years. Request for greater rights, royalty records and intellectual property private litigations are destroyed after 20 years; government asserted claims are destroyed after 25 years, infringement legislative claims are destroyed after 35 years; proffer and

infringement claims dockets are maintained in current file area then destroyed after 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, 1777 North Kent Street, Arlington, VA 22209–2194.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, 1777 North Kent Street Arlington, VA 22209–2194.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, 1777 North Kent Street Arlington, VA 22209–2194.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, the Army organizational element interested in the copyrighted material or offered license, employment records, pertinent government patent files, Department of Justice and/or the government agencies involved in the claims or litigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351 HSC–AHS

SYSTEM NAME:

Academy of Health Sciences: Academic and Supporting Records (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with 'U.S. Army Medical Department School and Academy of Health Sciences Academic Records.''

SYSTEM LOCATION:

Delete entry and replace with 'U.S. Army Medical Department Center and School, Academy of Health Sciences, Department of Academic Support, 2250 Stanley Road, Fort Sam Houston, TX 78234–6100.'

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; Army Regulation 351–3, Professional Education and Training Programs of the Army Medical Department; and E.O. 9397 (SSN).'

* * * * *

RETRIEVABILITY:

Delete 'assigned passwords' from entry.

* * * * *

A0351 HSC–AHS

SYSTEM NAME:

U.S. Army Medical Department School and Academy of Health Sciences Academic Records.

SYSTEM LOCATION:

U.S. Army Medical Department Center and School, Academy of Health Sciences, Department of Academic Support, 2250 Stanley Road, Fort Sam Houston, TX 78234–6100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident and correspondence students enrolled in courses at the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's name, Social Security Number, grade/rank, academic qualifications, progress reports, academic grades, ratings attained, aptitudes and personal qualities, including corporate fitness results; faculty board records pertaining to class standing/rating/classification/proficiency of students; class academic records maintained by instructors indicating attendance and progress of class members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 351–3, Professional Education and Training Programs of the Army Medical Department; and E.O. 9397 (SSN).

PURPOSE(S):

To determine eligibility for enrollment/attendance, monitor student progress, record accomplishments, and serve as record of courses which may be prerequisite for other formal courses of instruction, licensure, certification, and employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to civilian medical institutions for the purpose of accrediting the individual's training and instruction.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper records, microfiche, cards, magnetic tape and/or disc, and computer printouts.

RETRIEVABILITY:

By individual's name and Social Security Number.

SAFEGUARDS:

Access to all records is restricted to designated individuals whose official duties dictate the need therefore.

RETENTION AND DISPOSAL:

Academic records are maintained 40 years at the Academy of Health Sciences. Except for the master file, automated data are erased after the fourth updating cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Academy of Health Sciences, 2250 Stanley Road, Fort Sam Houston, TX 78234–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Registrar, Academy of Health Sciences, 2250 Stanley Road, Fort Sam Houston, TX 78234–6000.

For verification purposes, individual should provide the full name, Social Security Number, date attended/enrolled, current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Registrar, Academy of Health Sciences, 2250 Stanley Road, Fort Sam Houston, TX 78234–6000.

For verification purposes, individual should provide the full name, Social Security Number, date attended/enrolled, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual and Academy of Health Sciences' staff and faculty.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 02–3704 Filed 2–14–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Defense.

ACTION: Notice of a Computer Matching Program.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish advanced notices of any proposed or revised computer matching program by the matching agency for public comment. The Department of Defense (DoD), as the matching agency under the Privacy Act, is hereby giving notice to the record subjects of a computer matching program between Department of Education (ED) and DoD that their records are being matched by computer. This computer matching agreement supersedes all existing data exchange agreements or memoranda of understanding between the ED and the DoD applicable to the exchange of personal data for debt collection purposes pertaining to debtors who are delinquent in their debts to the United States Government under certain programs administered by the Department of Education.

DATES: This proposed action will become effective March 18, 2002 and matching may commence unless changes to the matching program are required due to public comments or by Congressional or by Office of Management and Budget objections. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Suite 920, Arlington, VA 22202–4502.

FOR FURTHER INFORMATION CONTACT: Mr. Vahan Moushegian, Jr. at (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and ED have concluded an agreement to conduct a computer matching program between agencies. The purpose of the computer matching program is to attempt to identify and locate debtors who are current or former Federal personnel receiving any Federal salary or benefit payments and are indebted or delinquent in their payment of debts to the United States Government under certain programs administered by ED.

The parties to this agreement have determined that a computer matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by the ED to identify and initiate collection efforts against individual debtors via the salary and/or administrative offset method. The principal alternative to using a computer matching program for identifying such individuals would be to conduct a manual comparison of all Federal personnel records with lists of debtors delinquent in payments held by ED. Conducting a manual match, however, would clearly impose a considerable administrative burden, constitute a more intrusive invasion of the individual's personal privacy, and would result in additional delay in the eventual recovery of the outstanding debts. Using the computer matching program, information on successful matches (hits) can be provided to ED within 30 days of receipt of an electronic file of delinquent debtors records from ED. The Debt Collection Improvement Act of 1996 mandates that Federal agencies conduct annual computer matches to identify Federal employees who are indebted to a creditor agency for purposes of salary offset.

A copy of the computer matching agreement between ED and DoD is available upon request. Requests should be submitted to the address caption above or to the Department of Education, Students Channel/Collections, 830 First Street, NE., Room 41B3, Mail Stop 5320, Washington, DC 20202–5320.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published on June 19, 1989, at 54 FR 25818.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on February 4, 2002, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records about Individuals'', dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 8, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Notice of a Computer Matching Program Between the Defense Manpower Data Center, the Department of Defense, and the Department of Education for Debt Collection

A. *Participating Agencies:* Participants in this computer matching program are the Defense Manpower Data Center (DMDC), the Department of Defense (DOD), and the Department of Education (ED). The ED is the source agency, *i.e.*, the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, *i.e.*, the agency that actually performs the computer matching.

B. *Purpose of the Match:* The purpose of this agreement identify and locate any matched Federal personnel, employed, serving, or retired, who owe delinquent debts to the Federal Government under certain programs administered by ED. ED will use this information to initiate independent collection of those debts under the provisions of the Debt Collection Act of 1982, as amended, when voluntary payment is not forthcoming. These collection efforts will include requests by ED of the military service/employing agency in the case of military personnel (either active, reserve, or retired) and current non-postal civilian employees, and to OPM in the case of retired non-postal civilian employees, to apply administrative and/or salary offset

procedures until such time as the obligation is paid in full.

C. *Authority for Conducting the Match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Public Law 97–365), as amended by the Debt Collection Improvement Act of 1996 (Public Law 104–134, section 31001); 31 U.S.C. chapter 37, subchapter I (General) and subchapter II (Claims of the United States Government); 31 U.S.C. 3711, Collection and Compromise; 31 U.S.C. 3716, Administrative Offset; 5 U.S.C. 5514, Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 135, Under Secretary of Defense (Comptroller); Section 101(l) of Executive Order 12731; 31 CFR chapter IX, Federal Claims Collection Standards; 5 CFR 550.1101—550.1108, Collection by Offset from Indebted Government Employees (OPM); 34 CFR part 31, Salary Offset Standards for Federal Employees Indebted to the United States under Programs Administered by the Secretary of Education.

D. *Records to be Matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

1. ED will use personal data from the record system identified as 18–11–07, entitled ''Student Financial Assistance Collection Files,'' published in the **Federal Register**, at 64 FR 30166, June 4, 1999, as amended by 64 FR 72407, December 27, 1999.

2. DoD will use personal data from the record system identified as S322.11 DMDC, entitled ''Federal Creditor Agency Debt Collection Data Base,'' last published in the **Federal Register** at 64 FR 42101, August 3, 1999.

E. *Description of Computer Matching Program:* ED, as the source agency, will provide DMDC with an electronic file which contains the names of delinquent debtors in programs ED administers. Upon receipt of the electronic file of debtor accounts, DMDC will perform a computer match using all nine digit digits of the SSN of the ED file against a DMDC computer database. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of personnel records of non-postal Federal civilian employees and military members, both active and retired.

The ''hits'' or matches will be furnished to ED. ED is responsible for verifying and determining that the data on the DMDC electronic reply file are consistent with ED's source file and for resolving any discrepancies or inconsistencies on an individual basis. ED will also be responsible for making final determinations as to positive identification, amount of indebtedness, and recovery efforts as a result of the match.

The electronic file provided by ED will contain data elements of the debtor's name, SSN, internal account numbers and the total amount owed for each debtor on approximately 2,000,000 delinquent debtors.

The DMDC computer database file contains approximately 4.53 million records of active duty and retired military members, including the Reserve and Guard, and approximately 3.45 million records of active and retired non-postal Federal civilian employees.

DMDC will match the SSN on the ED file by computer against the DMDC database. Matching records, ''hits'' based on SSNs, will produce data elements of the individual's name, SSN, military service or employing agency, and current work or home address.

F. *Inclusive Dates of the matching Program:* The effective date of the matching agreement and date when matching may actually begin shall be at the expiration of the 40-day review period for OMB and Congress, or 30 days after publication of the matching notice in the **Federal Register**, whichever date is later. The parties to this agreement may assume OMB and Congressional concurrence if no comments are received within 40 days of the date of the transmittal letter. The 40-day OMB and Congressional review period and the mandatory 30-day public comment period for the **Federal Register** publication of the notice will run concurrently. By agreement between ED and DoD, the matching program will be in effect for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for Receipt of Public Comments or Inquiries:* Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Suite 920, Arlington, VA 22202–4502. Telephone (703) 607–2943.

[FR Doc. 02–3703 Filed 2–14–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Coastal Engineering Research Board (CERB); Notice of Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Date of Meeting: March 5–6, 2002.

Place: Golden Inn Hotel and Conference Center, Avalon, New Jersey.

Time: 8 a.m. to 4:30 p.m. (March 5, 2002).; 8 a.m. to 5 p.m. (March 6, 2002).

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be addressed to Colonel John W. Morris III, Executive Secretary, U.S. Army Engineer Research and Development Center, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

SUPPLEMENTARY INFORMATION:

Proposed Agenda: The theme of the meeting is ''Beach Nourishment performance.'' On Tuesday, March 5, the morning session will consist of panel presentations concerning ''Overview of Corps Process and Issues (Formulation, Design, Construction, Monitoring, Renourishment)'' and panel presentations concerning ''State and Local Perspectives on Beach Nourishment Projects.'' The afternoon session will consist of panel presentations concerning ''Private Sector Experience with Beach Nourishment'' and presentations dealing with Federal Emergency Management Agency Perspective on Nourished Beaches and New Jersey Biological Monitoring Study. On Wednesday, March 6, the following topics will be discussed: National Shoreline Management Study, Philadelphia District Beach Nourishment Program, and Adaptive Design of Beach Nourishment Projects. A field trip is planned for part of the morning and afternoon of March 6, followed by an Executive Working Session.

These meetings are open to the public; participation by the public is scheduled for 9:45 a.m. on March 6.

The entire meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not

required, is requested in order to assure adequate arrangements. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

John W. Morris III,

Colonel, Corps of Engineers, Executive Secretary.

[FR Doc. 02–3827 Filed 2–14–02; 10:20 am]

BILLING CODE 3710–61–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Coastal Engineering Research Board (CERB); Notice of Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Dates of Meeting: March 7–8, 2002.

Place: Marriott Hotel, Philadelphia Airport, Philadelphia, Pennsylvania.

Time: 8 a.m. to 5 p.m. (March 7, 2002), 8 a.m. to 12 p.m. (March 8, 2002).

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be addressed to Colonel John W. Morris III, Executive Secretary, Coastal Engineering Research Board, U.S. Army Engineer Research and Development Center, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

SUPPLEMENTARY INFORMATION:

Proposed Agenda: The 2003 Coastal Technology Area—Research and Development (R&D) Program Review will be held March 7–8, 2002. On Tuesday, March 7, overviews of the following programs will be presented: Regional Sediment Management Program; Technologies and Operational Innovations for Urban Watershed Networks (TOWNS); Coastal Inlet Research Program (CIRP), including Dredging Management System (DMS); Field Data Collection Program (FDCP); Monitoring Completed Navigation Program (MCNP); and Section 227 Shoreline Erosion and Control Demonstration Program, including the Coastal Engineering Manual (CEM). The afternoon of March 7 and the morning of March 8 will be devoted to reviews of Work Units within the various programs, with discussions and feedback from the Field Review Group and the civilian members of the CERB.

This meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangement for those wishing to attend.

John W. Morris III,

Colonel, Corps of Engineers, Executive Secretary.

[FR Doc. 02–3828 Filed 2–14–02; 10:20 am]

BILLING CODE 3710–61–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 18, 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 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Karen_F._Lee@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 11, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Undersecretary

Type of Review: Extension.

Title: National Evaluation of Upward Bound and Upward Bound Math Science.

Frequency: On Occasion.

Affected Public: Individuals or households.

Reporting and Recordkeeping Hour Burden:

Responses: 4,728.

Burden Hours: 1,686.

Abstract: This request is for continuation of the fourth follow-up study and conducting the fifth follow-up of the regular Upward Bound study. It is also for the contintuation of the first follow-up and conducting the second follow-up for the Math Science Upward Bound study. These data collections are part of the National Evaluation of Upward Bound that hs been on-going since 1992. The studies are following a sample of 4,728 participants and control group students through high school and into young adulthood. The study is looking at academic achievement, college participation rates, and employment patterns.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address vivian.reese@ed.gov. Requests may also be electronically mailed to the internet address OCIO_RIMG@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Jacqueline Montague at (202) 708–5359 or via her internet address Jackie.Montague@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. 02–3716 Filed 2–14–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 18, 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, N.W., Room 10202, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address *Karen_F._Lee@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 11, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.

Title: Application for Grants, Public Charter Schools Program.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household; Businesses or other for-profit; Not-for-profit institutions; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 30.

Burden Hours: 720.

Abstract: State educational agencies, and partnerships between authorized public chartering agencies and charter schools developers must submit an application to receive funds. Applications are analyzed to ensure that funds are distributed fairly and projects are cost effective.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivian.reese@ed.gov.* Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at (540) 776–7742 or via her internet address *Kathy.Axt@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–3717 Filed 2–14–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–898–000]

Arizona Public Service Company; Notice of Filing

February 1, 2002.

Take notice that on January 30, 2002, Arizona Public Service Company (APS) tendered for filing a Service Agreement to provide Network Integration Transmission Service under APS' Open Access Transmission Tariff to Pinnacle West Capital Corp. Marketing and Trading (Pinnacle) as the Scheduling Coordinator for APS.

A copy of this filing has been served on Pinnacle and the Arizona Corporation Commission.

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 to determine 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. All such motions and 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.

Comment Date: February 20, 2002.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–3745 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–453–000 and ER02–453–001]

Conectiv Bethlehem, Inc.; Notice of Issuance of Order

February 11, 2002.

Conectiv Bethlehem, Inc. (CBI) submitted for filing a tariff under which CBI will engage in the sales of capacity, energy, and/or ancillary services at market-based rates and the resale of transmission rights. CBI also requested waiver of various Commission regulations. In particular, CBI requested that the Commission grant blanket approval under 18 CFR part 34 of all

future issuances of securities and assumptions of liability by CBI.

On January 31, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-East, granted requests for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by CBI should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, CBI is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of CBI, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of CBI's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Magalie R. Salas,

Secretary.

[FR Doc. 02–3742 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–554–000]

Foothills Generating, L.L.C.; Notice of Issuance of Order

February 11, 2002.

Foothills Generating, L.L.C. (Foothills) submitted for filing a tariff under which Foothills will engage in the sale of energy services and capacity at market-based rates. Foothills also requested waiver of various Commission regulations. In particular, Foothills requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Foothills.

On January 31, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Foothills should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Foothills is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Foothills, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Foothills' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3744 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES02–21–000]

Kansas Gas and Electric Company; Notice of Application

February 7, 2002.

Take notice that on January 30, 2002, Kansas Gas and Electric Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to pledge not more than $1 billion of first mortgage bonds and guaranties to secure indebtedness of Wester Resources, Inc.

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.

Comment Date: February 28, 2002.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3746 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–553–000]

Rolling Hills Generating, L.L.C.; Notice of Issuance of Order

February 11, 2002.

Rolling Hills Generating, L.L.C. (Rolling Hills) submitted for filing a tariff under which Rolling Hills will engage in the sale of energy services and capacity at market-based rates. Rolling Hills also requested waiver of various Commission regulations. In particular, Rolling Hills requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Rolling Hills.

On January 31, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Rolling Hills should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Rolling Hills is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Rolling Hills, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Rolling Hills' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, D.C. 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3743 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–63–001]

White Rock Pipeline, L.L.C.; Notice of Amendment

February 11, 2002.

Take notice that on February 11, 2002, White Rock Pipeline, L.L.C. (White Rock), 426 East Missouri Avenue, Pierre, South Dakota 57501, filed in Docket No. CP02–63–001, an amendment to its initial application pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's Rules and Regulations (Commission), for a certificate of public convenience and necessity authorizing White Rock to operate an existing single-use pipeline that is approximately 10.5 miles long and 4.5 inches in diameter, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance).

White Rock states that the proposed pipeline is to be used to transport natural gas from an interconnection with the Alliance Pipeline in North Dakota, to a end-use customer, the Tri-State Ethanol Company, L.L.C. (Tri-State), which is White Rock's affiliate. White Rock states that the proposed pipeline is located in a sparsely-populated agricultural area in the extreme southeast corner of North Dakota and the extreme northeast corner of South Dakota. It is stated that the sole purpose and use of the pipeline will be to transport natural gas to White Rock's affiliate, Tri-State.

White Rock states that the purpose of its amendment is to reflect that White Rock is, or soon will be, entirely owned by Tri-State. It is stated that the other owners of White Rock, other than Tri-State, have or in the near future will transfer any equity interest they have in the pipeline to Tri-State Ethanol Company, L.L.C., in order to accomplish the requested waiver regarding rate filings and other matters requested in the original application.

Any questions regarding this amendment should be directed to James Robbennolt, Olinger, Lovald, Robbennolt, McCahren & Reimers, P.C., 117 E. Capitol, P. O. Box 66, Pierre, S.D. 57501, at (605) 224–8851.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before February 19, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

If the Commission decides to set the amendment for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a

final Commission order approving or denying a certificate will be issued.

Magalie R Salas,

Secretary.

[FR Doc. 02–3741 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG02–85–000, et al.]

DTE East China, LLC, et al.; Electric Rate and Corporate Regulation Filings

February 8, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. DTE East China, LLC

[Docket No. EG02–85–000]

Take notice that on February 6, 2002, DTE East China, LLC (Applicant), a Delaware limited liability company, with its principal place of business at 414 S. Main Street, Suite 600, Ann Arbor, Michigan 48104, filed with the Federal Energy Regulatory Commission (Commission) an application for a determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Applicant states that it will own or lease and operate an approximately 320 MW peaking facility in East China Township, Michigan. The facility is expected to commence commercial operations in the summer of 2002.

Copies of the Application have been served upon the Securities and Exchange Commission and the Michigan Public Service Commission.

Comment Date: March 8, 2002.

2. Arizona Public Service Company

[Docket No. ER99–3288–005]

Take notice that on January 30, 2002, Arizona Public Service Company (APS) tendered for filing with the Federal Energy Regulatory Commission (Commission) filed an Informational Report on the Fourth Quarter for 2001 Refund payments to Eligible Wholesale Customers under the Company's Fuel Adjustment Clause (FAC).

Comment Date: February 21, 2002.

3. Sierra Pacific Power Company

[Docket Nos. ER02–317–001 and ER02–318–001]

Take notice that on February 4, 2002, Sierra Pacific Power Company (Sierra) submitted service agreement designations for service agreement revisions filed in the above referenced dockets.

Copies of this filing were served upon the Public Utilities Commission of Nevada, the Public Utilities Commission of California and all interested parties.

Comment Date: February 25, 2002.

4. Duke Energy Arlington Valley, LLC

[Docket No. ER02–443–001]

Take notice that on February 4, 2002, Duke Energy Arlington Valley, LLC filed a notice of status change with the Federal Energy Regulatory Commission in connection with the pending change in upstream control of Engage Energy America LLC and Frederickson Power L.P. resulting from a transaction involving Duke Energy Corporation and Westcoast Energy Inc.

Copies of the filing were served upon all parties on the official service lists compiled by the Secretary of the Federal Energy Regulatory Commission in these proceedings.

Comment Date: February 25, 2002.

5. Excel Energy Services, Inc.

[Docket No. ER02–402–001]

Take notice that on February 4, 2002, Xcel Energy Service Inc. (EXS) on behalf of Northern States Power Company (NSP) hereby submits a compliance filing regarding the Restated Transmission Services Agreement between NSP and the State of South Dakota (Customer).

Comment Date: February 25, 2002.

6. UtiliGroup, Inc.

[Docket No. ER02–517–001]

Take notice that on February 4, 2002, UtiliGroup, Inc. (UtiliGroup) tendered for filing with the Federal Energy Regulatory Commission (Commission) additional information to its original Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority, identifying the owners of UtiliGroup.

Comment Date: February 25, 2002.

7. Crete Energy Venture, LLC

[Docket No. ER02–963–000]

Take notice that on February 5, 2002, Crete Energy Venture, LLC tendered for filing an application for blanket authorizations, certain waivers and authorization to sell energy, capacity and ancillary services at market-based rates pursuant to section 205 of the Federal Power Act.

Copies of this filing have been served on the Arkansas Public Service Commission, Mississippi Public Service Commission, Louisiana Public Service Commission, Texas Public Utility Commission, the Council of the City of New Orleans, the Michigan Public Service Commission and the Illinois Commerce Commission.

Comment Date: February 26, 2002.

8. American Transmission Company LLC

[Docket No. ER02–964–000]

Take notice that on February 5, 2002, American Transmission Company LLC (ATCLLC) tendered for filing a Generation-Transmission Interconnection Agreement between ATCLLC and Fox Energy Company LLC.

ATCLLC requests an effective date of January 15, 2002.

Comment Date: February 26, 2002.

9. Entergy Services, Inc.

[Docket No. ER02–965–000]

Take notice that on February 5, 2002, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., tendered for filing six copies of a Notice of Termination for Short-Term and Non-Firm Point-To-Point Transmission Service Agreements between Entergy Services and Avista Energy, Inc.

Comment Date: February 26, 2002.

10. PG&E Dispersed Generating Company, LLC

[Docket No. ER02–966–000]

Take notice that on February 5, 2002, PG&E Dispersed Generating Company, LLC (PG&E Dispersed Gen) tendered for filing a service agreement for power sales (Service Agreement) with RAMCO, Inc. (RAMCO) pursuant to which PG&E Dispersed Gen will sell capacity, energy and ancillary services to RAMCO at market-based rates according to its FERC Electric Tariff No. 1.

Comment Date: February 26, 2002.

11. Virginia Electric and Power Company

[Docket No. ER02–967–000]

Take notice that on February 5, 2002, Virginia Electric and Power Company (Dominion Virginia Power or the Company) tendered for filing a Service Agreement for Network Integration Transmission Service and Network Operating Agreement by Virginia Electric and Power Company to Dominion Energy Direct Sales, Inc. designated as First Revised Service Agreement No. 302 under the Company's Retail Access Pilot Program, pursuant to Attachment L of the Company's Open Access Transmission Tariff, FERC Electric Tariff, Second

Revised, Volume No. 5, to Eligible Purchasers effective June 7, 2000.

Dominion Virginia Power requests a waiver of the Commission's regulation to permit an effective date of October 1, 2001, as requested by the customer.

Copies of the filing were served upon Dominion Energy Direct Sales, Inc., the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment Date: February 26, 2002.

12. Northeast Utilities Service Company

[Docket No. ER02–968–000]

Take notice that on February 5, 2002, Northeast Utilities Service Company (NUSCO), tendered for filing, Service Agreement to provide Firm Point-To-Point Transmission Service to Whitefield Power and Light Company under the NU System Companies' Open Access Transmission Service Tariff No. 9.

NUSCO states that a copy of this filing has been mailed to Whitefield Power and Light Company. NUSCO requests that the Service Agreement become effective March 15, 2002.

Comment Date: February 26, 2002.

13. Northeast Utilities Service Company

[Docket No. ER02–969–000]

Take notice that on February 5, 2002, Northeast Utilities Service Company (NUSCO), tendered for filing, Service Agreement to provide Non-Firm Point-To-Point Transmission Service to Whitefield Power and Light Company under the NU System Companies' Open Access Transmission Service Tariff No. 9.

NUSCO states that a copy of this filing has been mailed to Whitefield Power and Light Company. NUSCO requests that the Service Agreement become effective March 15, 2002.

Comment Date: February 26, 2002.

14. UBS AG

[Docket No. ER02–973–000]

Take notice that on February 6, 2002, UBS AG (Applicant) filed with the Federal Energy Regulatory Commission (the Commission) an application for approval of its initial rate schedule (FERC Electric Tariff Original Volume No. 1) and for blanket approval for market-based rates pursuant to Part 35 of the Commission's regulations.

Applicant is a publicly-held corporation organized under the laws of Switzerland, with its principal places of business at Zurich and Basel and branches in financial centers around the world. Applicant intends to engage in the sale of electricity at wholesale in the United States on terms to be agreed upon with the purchasing party. Applicant has reached an agreement to use certain assets under license from Enron, Inc.

Comment Date: February 20, 2002.

15. Southern Illinois Power Cooperative

[Docket No. NJ02–1–000]

Take notice that on November 14, 2001, Southern Illinois Power Cooperative (SIPC) filed with the Federal Energy Regulatory Commission (Commission) a letter informing the Commission of changes it will make to its open access transmission tariff in order to participate as a transmission owning member of this Midwest Independent Transmission System Operator, Inc. (MISO). The changes include canceling all attachments and schedules other than Schedules 2, 3, 5, and 6 (ancillary services); the canceled attachments and schedules are no longer necessary because SIPC's customers will now become MISO's customers.

SIPC states that the changes will be effective December 15, 2001.

Comment Date: March 7, 2002.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3740 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7146–6]

Office of Research and Development; Agency Information Collection Activities: Proposed Collection; Comment Request; Health Effects of Microbial Pathogens in Recreational Waters

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the EPA is planning to submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB).

TITLE: Health Effects of Microbial Pathogens in Recreational Waters.

Before submitting the ICR to OMB for review and approval, the EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 16, 2002.

ADDRESSES: Public comments should be submitted to: Dr. Rebecca L. Calderon, US EPA (M D 58–C), Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Interested persons may obtain a copy of the ICR without charge by contacting: Dr. Rebecca L. Calderon, (919) 966–0617, FAX: (919) 966–0655, E-mail: *calderon.rebecca@epamail.epa.gov,* or by mailing a request to the address above.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are families frequenting fresh and marine water beaches in the continental United States.

Title: Health Effects of Microbial Pathogens in Recreational Waters.

Abstract: This study will be conducted, and the information collected, by the Epidemiology and Biomarkers Branch, Human Studies Division, National Health and Environmental Effects Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency (EPA). Participation of adults and children in this collection of information is strictly voluntary.

This information is being collected as part of a research program consistent with the Sec. 3(a)(v)(1) of the Beaches Environmental Assessment and Coastal Health Act of 2000 and the strategic

plan for EPA's Office of Research and Development (ORD) and the Office of Water entitled ''Action Plan for Beaches and Recreational Water.'' The Beaches Act and ORD's strategic plan has identified research on effects of microbial pathogens in recreational waters as a high-priority research area with particular emphasis on developing new water quality indicator guidelines for recreational waters. The EPA has broad legislative authority to establish water quality criteria and to conduct research to support these criteria. This data collection is for a series of *epidemiological studies to evaluate exposure to and effects of microbial pathogens in marine and fresh recreational waters* as part of the EPA's *research program on exposure and health effects of microbial pathogens in recreational waters.* The research plan includes piloting the collection of both recreational information and water quality information during the summer months of 2002. Multiple sites with refined study design will be conducted in 2003, 2004 and 2005. The information collected by this study program will be used to estimate the relationship between water quality indicators and health effects. The questionnaire health data will be compared with routinely collected water quality measurements. The analysis will focus on determining whether any water quality parameters are associated with increased prevalence of swimming-related health effects.

Burden Statement

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 data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

TABLE 1.—ESTIMATED ANNUAL RESPONDENT BURDEN

Type of respondent	Respondent activities	Estimated number of respondents	Burden hours	Frequency	Annual reporting burden	Annual cost
Parent	Beach Interview	1500	0.40	1	600	[a] $8,832
Parent	Complete home interview I (80%)	1200	0.33	1	396	[a] 5,830
Parent	Complete home interview II (80%)	960	0.17	1	163	2,400
Totals					1,159 hr	17,062

[a] $14.72/hour (average hourly wage).

There are no direct respondent costs for this data collection.

No Annual Record Keeping Burden

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 EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Dated: February 4, 2002.

Linda Birnbaum,

Director, Human Studies Division, National Health & Environmental Effects Research Laboratory, Office of Research and Development.

[FR Doc. 02–3771 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6626–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or http://www.epa.gov/oeca/ofa. Weekly receipt of Environmental Impact Statements Filed February 04, 2002 Through February 08, 2002 Pursuant to 40 CFR 1506.9.

EIS No. 020055, Final EIS, FHW, CA, CA–70 Two-Lane Expressway Upgrade to a Four-Lane Expressway/Freeway, south of Striplin Road to south of McGowan Road Overcrossing, Funding and US Army COE Section 404 Permit Issuance, Sutter and Yuba Counties, CA, Wait Period Ends: March 18, 2002, Contact: Maiser Khaled (916) 498–5020.

EIS No. 020056, Draft EIS, BLM, WY, Powder River Basin Oil and Gas Project, Additional Coal Bed Methane (CBM) Resources Development, Drilling, Completing, Operating and Recalling of New CBM Wells and Constructing, Operating and Recalling of various Ancillary Facilities, Drill, Special Use and US Army COE Section 404 Permits and Right-of-Way Grant, Campbell, Converse, Sheridan and Johnson Counties, WY, Comment Period Ends: May 15, 2002, Contact: Paul Beels (307) 684–1168. This document is available on the Internet at: http://www.wy.blm.gov or http://www/prb-eis.org.

EIS No. 020057, Final EIS, AFS, UT, Griffin Springs Resource Management Project, Implementation, Commercial Timber Harvesting, Aspen Regeneration, Management Ignited Prescribed Fire, and Road Work, Dixie National Forest, Escalante Ranger District, Garfield County, UT, Wait Period Ends: March 18, 2002, Contact: Kevin Schulkoski (435) 826–5400.

EIS No. 020058, Final EIS, FHW, OK, I–40 Crosstown Expressway Transportation Improvements, I–235/

I–35 Interchange west to Meridian Avenue, Funding, Oklahoma City, Oklahoma County, OK, Wait Period Ends: March 18, 2002, Contact: Lubin Quinones (405) 605–6174.

EIS No. 020059, Draft EIS, FRC, WA, Martin Creek Hydroelectric Project (FERC Project No. 10942), Construction, Operation and Maintenance of a 10.2-Megawatt (MW) Hydroelectric Run-of-River Facility, License Approval, Cascade Mountains, Martin and Kelley Creeks, Mt. Baker-Sqoqualmie National Forest, King County, WA, Comment Period Ends: April 1, 2002, Contact: David Turner (202) 019–2814.

EIS No. 020060, Draft EIS, BLM, MT, Montana Statewide Conventional Oil and Gas and Coal Bed Methane Gas Exploration and Development Management Plan within the Bureau of Land Management's Powder River and Billings Resources Management Plan Areas and the State of Montana, Implementation, MT, Comment Period Ends: May 15, 2002, Contact: Mary Bloom (406) 233–3649.

Amended Notices

EIS No. 010528, Draft EIS, AFS, MO, Oak Decline and Forest Health Project, To Improve Forest Health, Treat Affected Stands, Recover Valuable Timber Products, Promote Public Safety, Potosi and Salem Ranger Districts, Mark Twain National Forest, Crawford, Dent, Iron, Reynolds, Shannon and Washington, MO, Comment Period Ends: February 19, 2002, Contact: Karen Mobley (573) 729–6656. Revision of FR Notice Published on 12/01/2001: CEQ Comment Period Ending 02/04/2002 has been extended to 02/19/2002.

EIS No. 010545, Final EIS, COE, TN, Adoption—Upper Tennessee River Navigation Improvement Project, Rehabilitation and/or Construction, Chickamauga Dam—Navigation Lock Structural Improvement Alternative, Funding, NPDES, US Coast Guard Bridge and US Army COE Section 404 Permits Issuance, Tennessee River, Hamilton County, TN Contact: Wayne Easterling (615) 736–7847. US Army Corps of Engineers (COE) has adopted the Tennessee Valley Authority's FEIS #960147, filed with the US Environmental Protection Agency on 03/29/1996. COE was a Cooperating Agency for the above final EIS. Recirculation of the document is not necessary under Section 1506.3(c) of the Council on Environmental Quality Regulations. Revision of FR notice published on 02/08/2002: CEQ Accession Number Changed from 020043 to 010545. The above FEIS should have appeared in the FR on 12/21/2001.

EIS No. 010546, Draft Supplement, COE, TN, Chickamauga Dam Navigation Project, New and Updated Information concerning Cumulative Effects and Compliance with Section 106 of the Historic Preservation Act, NPDES, US Army COE Section 404 and US Coast Guard Permits Issuance, TennesseeRiver, Hamilton County, TN, Due: February 04, 2002, Contact: Wayne Easterling (615) 736–7847. Revision of FR notice published on 02/08/2002: Due to an Administrative Error by US Army Corps of Engineers (COE) the above DSEIS was not properly filed with the US EnvironmentalProtection Agency. COE has confirmed that distribution of the DSEIS was made available to federal agencies and interested parties for the 45-Day Comment Period beginning on 12/21/2001 and ending 02/04/2002. For further information contact Mr. Wayne Huddleston at (615)736–7842. Change CEQ Accession No. 020055 to 010546 and Change CEQ Comment Period Ending 03/25/2002 to 02/04/2002.

Dated: February 12, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–3755 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6626–6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated May 18, 2001 (66 FR 27647).

Draft EISs

ERP No. D–FHW–G40168–LA Rating EC2, Bayou Barataria Bridge/LA–302 Replacement, LA–45/Jean Lafitte Boulevard to LA–3257/Privateer Boulevard, Funding and U.S. Army COE Section 404 and U.S. Coast Guard Bridge Permits Issuance, Communities of Jean Lafitte and Barataria, Jefferson Parish, LA.

Summary: EPA has environmental concerns and requests additional information in the final EIS. Areas of concern include: consideration of additional alternatives, more balance in the assessment of the nature and extent of likely environmental impacts, correction of apparent inconsistencies or contradictions, and additional clarifications in the impact analysis.

ERP No. D–FHW–K40249–CA Rating EC2, Lincoln Bypass Construction, South of Industrial Boulevard to North of Riosa Road, Funding and U.S. Army COE Section 404 Permit Issuance, Placer County, CA.

Summary: EPA expressed environmental concerns about the 30.2 acres of wetland impacts from the Park and Ride facility, that cumulative and indirect impacts are not thoroughly analyzed in the DEIS, and the ''AAC2'' alignment should not be ruled out as the preferred alternative.

ERP No. D–FRC–F05123–00 Rating LO, Bond Falls Project, Issuing a New License for Existing Hydroelectric License, (FERC No. 1864–005) Ontonagon River Basin, Ontonagon and Gogebic Counties, MI and Vilas County, WI.

Summary: EPA had no objections to the proposed project.

ERP No. D–FRC–L03011–WA Rating EO2, Georgia Strait Crossing Pipeline (LP) Project, Construction and Operation, To Transport Natural Gas from the Canadian Border near Sumas, WA to U.S./Canada Border at Boundary Pass in the Strait of Georgia, Docket Nos. CP01–176–000 and CP01–179–000, Whatcom and San Juan Counties, WA.

Summary: EPA expressed environmental objections to the proposed project due to a lack of detailed evaluation of alternatives, lack of evaluation of the entire project, the lack of analysis at the ecosystem scale and the lack of integration with the evaluation and decisionmaking processes being conducted in Canada for the Canadian portion of the proposed project. EPA recommended that these issues, along with others, be addressed in the final EIS.

ERP No. DA–COE–E34030–FL Rating EC2, Central and Southern Florida Project, Water Preserve Areas (WPA) Feasibility Study, To Provide a Mechanism for Increased Aquifer Recharge and Surface and Subsurface Water Storage Capacity, Comprehensive Everglades Restoration Plan, Broward and Miami-Dade Counties, FL.

Summary: EPA expressed environmental concerns and requested that additional water quality and other

information be provided in the final document.

ERP No. DA–COE–E36167–FL Rating LO, Central and Southern Florida Project, Tamiami Trail Feature (U.S. Highway 41), Modified Water Deliveries to Everglades National Park, Dade County, FL.

Summary: EPA had no objections to the measures proposed to protect the Tamiami roadway from overtopping and structural damages.

Final EISs

ERP No. F–AFS–J65334–MT, Keystone-Quartz Ecosystem Management, Implementation, Beaverhead-Deerlodge National Forest, Wise River Ranger District, Beaverhead County, MT.

Summary: EPA continues to have environmental concerns that the proposed action does not provide for improvement/restoration of existing low standard roads that have considerable local impact on stream channels.

ERP No. F–AFS–J65353–MT, Threemile Stewardship Project, Proposed Short-Term and Long-Term Vegetation and Road Management Activities, Ashland Ranger District, Custer National Forest, Powder and Rosebud Counties, MT.

Summary: EPA continues to express environmental concerns regarding the need for adequate oversight of the timber contractor during project implementation via stewardship contracting. EPA requested information on the Forest Service protocol for stewardship contracting that includes multi-party monitoring.

ERP No. F–COE–F35046–OH, Ashtabula River and Harbor Dredging and Disposal Project, Design, Construction, Operation and Maintenance, Ashtabula River Partnership (ARP), Ashtabula County, OH.

Summary: EPA continued to express environmental concerns regarding issues associated with PCBs and radioactive materials.

ERP No. F–COE–K36135–CA, White Slough Flood Control Study, Tidal Circulation Improvements and Section 205 Program Authorities Continuation, Vallejo Sanitation and Flood Control District, City of Vallejo, Solano County, CA.

Summary: EPA found the final EIS adequately addressed most of the issues raised in the comment letter on the DEIS. EPA requested additional information regarding water quality in White Sough, and reiterated support for a water quality monitoring component in the project.

Dated: February 12, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–3754 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7145–4]

Notice of Availability of FY 2002 Funds for Water Quality Cooperative Agreements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Water Quality Cooperative Agreement funds.

SUMMARY: EPA Region 4 (Atlanta) announces that $300,000 to $450,000 in FY 2002 funds is available to fund Water Quality Cooperative Agreements. Project proposals are being solicited from state water pollution control agencies, interstate agencies, tribes, and other public or nonprofit private agencies, institutions, and organizations. Through this solicitation, EPA expects to fund from two to nine projects to support the restoration of impaired water bodies in priority watersheds. Applicants may request $50,000 to $150,000 per project proposal, and a five percent nonfederal match is encouraged.

DATES: Project proposals must be postmarked or sent by electronic mail by 5 p.m. on April 2, 2002, in accordance with guidelines provided in the solicitation.

FOR FURTHER INFORMATION CONTACT: The complete solicitation is available through the Internet at *http://www.epa.gov/region4/water/pgtab/cooperativeagreement.html* or by contacting Dorothy Rayfield, Chief, Grants and Technical Assistance Section, at 404/562–9278 or *rayfield.dorothy@epa.gov.* Written inquiries may be sent to the Grants and Technical Assistance Section, Water Management Division, EPA Region 4, Sam Nunn Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.

SUPPLEMENTARY INFORMATION: *Eligible Project Areas:* All projects must be implemented within the geographic boundaries of EPA Region 4, which includes the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee and some Tribal lands. To be eligible, the project area must be located within a watershed that contains one or more priority water bodies identified on a 303(d) List of Impaired Waters or documented as impaired by an Indian Tribe in the Region. Priority will be given to watersheds which are 11-digit or 14-digit Hydrologic Unit Codes, and watersheds with established implementation plans for improving or restoring water quality. Examples of acceptable implementation plans include local watershed plans, total maximum daily load implementation plans, and river basin plans.

Eligible Project Areas: Eligible activities are those that support the restoration of impaired waters in priority watersheds. Examples of eligible activities include watershed coordination, education, and evaluation of the effectiveness of best management practices in preventing or reducing water pollution. EPA will give priority to projects which actively involve stakeholders and focus on one of the following program areas: Concentrated animal feeding operations, sanitary sewer overflows, combined sewer overflows, storm water, wetlands protection, or biosolids management. Further priority will be given to activities that directly support the implementation of existing implementation plans to improve or restore water quality. In order to receive maximum benefits from the limited funds available, additional consideration will be given to projects which build capacity to protect the watershed, and projects which result in methodologies or outputs that can be used in other watersheds.

Authority: 33 U.S.C. 1254(b)(3) Pub. L. 100–4.

Dated: February 1, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 02–3770 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00657A; FRL–6824–8]

EPA-USDA Committee To Advise on Reassessment and Transition (CARAT); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA-U.S. Department of Agriculture (USDA) Committee to Advise on Reassessment and Transition (CARAT) will hold a public meeting on February 27 and 28, 2002. This meeting will focus on tolerance reassessment for

pesticides as required by the Food Quality Protection Act of 1996 and strategic approaches for pest management planning. Included will be a report from the CARAT work group on Cumulative Risk Assessment Public Participation Process for the Organophosphate Pesticides.

DATES: The meeting will be held on Wednesday, February 27, 2002, from 9 a.m. to 5 p.m., and on Thursday, February 28, 2002, from 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the Hilton Crystal City, 2399 Jefferson Davis Highway, Arlington, VA 22202 (703) 418–6800.

FOR FURTHER INFORMATION CONTACT: Margie Fehrenbach, Office of Pesticide Programs (7501C), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone number: (703) 308–4775; fax number: (703) 308–4776; e-mail address: fehrenbach.margie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who are concerned about implementation of the Food Quality Protection Act (Public Law 104–170). Passed in 1996, this new law strengthens the nation's system for regulating pesticides on food. CARAT is preceded by the Tolerance Reassessment Advisory Committee (TRAC) which was established in 1998, in order for EPA and USDA to work together to ensure smooth implementation of FQPA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access information about CARAT, go directly to the Home Page for EPA's Office of Pesticide Programs at http://www.epa.gov/pesticides/carat.

2. *In person*. The Agency has established an administrative record for this meeting under docket control number OPP–00657. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the CARAT. This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. Background

CARAT was established in accordance with the Federal Advisory Committee Act as a subcommittee under the auspices of the EPA National Advisory Council for Environmental Policy and Technology (NACEPT). The purpose of CARAT is to provide advice and counsel to the Administrator of EPA and the Secretary of Agriculture regarding strategic approaches for pest management planning and tolerance reassessment for pesticides as required by the Food Quality Protection Act of 1996 (FQPA). Through CARAT, EPA and USDA are working together to ensure smooth implementation of FPQA through use of sound science, consultation with stakeholders, increased transparency, and reasonable transition for agriculture. CARAT is composed of experts that include farmers, environmental/public interest groups, public health officials, pediatric experts, pesticide trade associations and manufacturers, food processors and distributors, academicians, and tribal, State and local governments.

IV. How Can I Participate in this Meeting?

CARAT meetings and workshops are open to the public under section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463. Outside statements by observers are welcome. Oral statements will be limited to 3–5 minutes, and it is preferred that only one person per organization present the statement. Any person who wishes to file a written statement may do so before or after the workshop. These statements will become part of the permanent record and will be available for public inspection at the address under Unit II.2.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 7, 2002.

James Jones,

Acting Director, Office of Pesticide Programs.

[FR Doc. 02–3775 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30520; FRL–6822–6]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket control number OPP–30520, must be received on or before March 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30520 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By Mail: Akiva Abramovitch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8328 and e-mail address: abramovitch.akiv@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide

manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at *http://www.epa.gov/*. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–30520. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30520 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–30520. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the registration activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Registration Applications

EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredients not Included in any Previously Registered Products

1. *File Symbol*: 264–LII. *Applicant*: Aventis USA, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709–2014. *Product name*: Technical Acetamiprid.*Active ingredient*: Acetamiprid at 100%. *Proposed classification/Use*: None. For manufacturing use only.

2. *File Symbol*: 264–ANA. *Applicant*: Aventis USA. *Product name*: Pristine Brand RTU. *Active ingredient*: Acetamiprid at .006%. *Proposed classification/Use*: None. For

homeowners use on flowers, ornamental plants, leafy and fruiting vegetables, cole crops, and citrus and pome fruits.

3. *File Symbol*: 264–ANT. *Applicant*: Aventis USA. *Product name*: Chipco Brand TriStar 70 WSP Insecticide. *Active ingredient*: Acetamiprid at 70%.*Proposed classification/Use*: None. For commercial use on ornamental and flowering of plants grown outdoors and is greenhouses.

4. *File Symbol*: 264–ANI. *Applicant*: Aventis USA. *Product name*: Adjust Brand 70WP Insecticide Seed Treatment. *Active ingredient*: Acetamiprid at 70%.*Proposed classification/Use*: None. For use as a seed treatment on canola and mustards.

5. *File Symbol*: 264–ANO. *Applicant*: Aventis USA. *Product name*: Assail Brand 70 WP Insecticide.*Active ingredient*: Acetamiprid at 70%. *Proposed classification/Use*: None. For agriculture and commercial use on leafy vegetables, cole crops, fruiting vegetables, citrus and pome fruits, and grapes.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 6, 2002.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 02–3660 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1068; FRL–6822–2]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1068, must be received on or before March 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1068 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis McNeilly, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6742; and e-mail address: mcneilly.dennis@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at *http://www.epa.gov/*. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*.

2. *In person*. The Agency has established an official record for this action under docket control number PF–1068. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1068 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1068. Electronic comments

may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 5, 2002.

Richard P. Kiegwin, Jr.,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner's summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

DowAgroSciences LLC

PP 1F6312

EPA has received a pesticide petition (1F6312) from DowAgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of:

1. Fluoride in or on the following raw agricultural commodities: Date at 5 parts per million (ppm), fig at 5 ppm, plum, prune, dried at 5 ppm, grape, raisin at 5 ppm, fruit, dried at 5 ppm, almond at 10 ppm, pecan at 23 ppm, pistachio at 18 ppm, walnut at 30 ppm, beechnut; butternut; cashew; chestnut; chinquapin; filbert; nut, brazil; nut, hickory; and nut, macadamia at 30 ppm, barley, grain at 10 ppm, corn, field, grain; and corn, pop, grain at 7 ppm, oat, grain at 17 ppm, rice, grain at 10 ppm, wheat, grain at 25 ppm, millet, grain; rice, wild, grain; sorghum, grain; and triticale, grain at 25 ppm and on the processed products corn, field, flour at 26 ppm, corn, field, grits at 10 ppm, corn, field, meal at 28 ppm, corn, field, oil at 3 ppm, rice, brown at 14 ppm, rice, polished rice at 18 ppm, rice, bran at 31 ppm, rice, hulls at 35 ppm, wheat, bran at 40 ppm, wheat, flour at 10 ppm, wheat, germ at 98 ppm, wheat milled by products at 35 ppm, wheat, shorts at 38 ppm, corn, field, refined oil at 3 ppm.

2. Sulfuryl fluoride in or on the following raw agricultural commodities: Date at 0.03 ppm, fig at 0.05 ppm, plum, prune, dried at 0.01 ppm, grape, raisin at 0.01 ppm, fruit, dried at 0.05 ppm, almond at 0.2 ppm, pecan at 6.0 ppm, pistachio at 0.5 ppm, walnut at 6.0 ppm, beenut; butternut; cashew; chestnut; chinquapin; filbert; nut, brazil; nut, hickory; and nut, macadamia at 6.0 ppm, barley, grain at 0.01 ppm, corn, field, grain and corn, pop, grain at 0.04 ppm, oat, grain at 0.01 ppm, rice, grain at 0.04 ppm, wheat, grain at 0.05 ppm, millet, grain; rice, wild, grain; sorghum, grain; triticale, grain at 0.05 ppm and on the processed products corn, field, flour at 0.01 ppm, corn, field, grits at 0.01 ppm, corn, field, meal at 0.01 ppm, corn, field, refined oil at 9.0 ppm, rice, brown at 0.01 ppm, rice, polished rice at 0.01 ppm, rice, bran at 0.01 ppm, rice, hulls at 0.08 ppm, wheat, bran at 0.01 ppm, wheat, flour at 0.03 ppm, wheat, germ at 0.01 ppm, wheat milled byproducts at 0.01 ppm, wheat, shorts at 0.01 ppm.

EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of sulfuryl fluoride is adequately understood for the purposes of this tolerance. Potential residues of sulfuryl fluoride and its degradation product fluoride and sulfate were investigated. Residues of sulfuryl fluoride in treated commodities are transient and rapidly decrease to very low parts per billion (ppb) or non-detectable levels. Residues of fluoride and sulfate resulting from the fumigation of commodities with sulfuryl fluoride were measurable and predictable. Sulfate as a terminal residue of sulfuryl fluoride is not considered of toxicological significance due to its natural abundance and pervasiveness in living systems.

2. *Analytical method*. Analytical methods have been developed and validated to determine the residues of sulfuryl fluoride and fluoride in the listed commodities. The sulfuryl fluoride method is based on gas chromatography/electron capture detector (GC/ECD) with a limit of quantitation (LOQ) of 4.0 ppb in dried fruit, and tree nuts, and 8.0 ppb in grains, and grain processed products.

The fluoride method utilizes a fluoride ion specific electrode. The fluoride ion method was validated with a LOQ of 2.4 ppm in dried fruit, and tree nuts, and 0.5 ppm in grains, and grain processed products.

3. *Magnitude of residues*. Residue data in support of the proposed temporary tolerances for sulfuryl fluoride and the degradate of interest, fluoride, in the listed commodities have been generated. Tree nuts (walnuts, pistachios, pecans, and almonds), and dried fruits (dates, figs, dried plums, and raisins) were treated with sulfuryl fluoride at target doses ranging from 200 milligrams hour/liter (mg hr/L) to 1,500 mg hr/L. At the completion of a 24 aeration interval, following the single fumigation at 200 mg hr/L, sulfuryl fluoride residues were observed only in walnuts, pecans, and figs with average residues of 0.072 µg/g, 0.046 µg/g and 0.005 µg/g, respectively. The effect of multiple fumigations at 1,500 mg hr/L per fumigation on residue levels indicated presence of sulfuryl fluoride residues in all of the commodities tested except in dried plums (no detectable residue). At the completion of a 24 aeration interval following each fumigation, sulfuryl fluoride average residue levels in the commodities were in the following order: Pecans (2.27–5.16 µg/g) >pistachios (0.036–0.29 µg/g) >almonds (0.036–0.13 µg/g) >figs (0.012–0.0141 µg/g) >dates (ND–0.007 µg/g) >dried plums ND. Fluoride ion residues were measured after dissipation of sulfuryl fluoride residues (<LOQ). In general, the fluoride ion levels resulting from the single fumigation with concentration x time (CT) product of 200 mg hr/L were either not detected or ≤LOQ for both tree nuts and dried fruits. Only almonds contained measurable levels of fluoride ion with an average of 3.4 µg/g. For multiple fumigations (2–5 times) at 1,500 mg hr/L each fumigation, average fluoride ion levels in dried fruits were either not detected or <LOQ, except for dried plums indicating an average residue (2.6 µg/g) near the LOQ. Fluoride ion residues were detected in tree nuts after each fumigation (3 fumigations). After the first fumigation, the average fluoride ion residues were approximately 4 µg/g, 5 µg/g, and 9 µg/g in pistachios, almonds, and pecan, respectively. After the last fumigation, the fluoride ion levels increased to approximately 10 µg/g, 16 µg/g, and 21 µg/g in almonds, pistachios, and pecans, respectively. Vacuum fumigation of tree nuts (4–hour exposure, target CT product of 200 mg hr/L) resulted in higher SF levels in the commodity than from fumigations at NAP, however, fluoride levels remained low following vacuum fumigation, less than the method LOQ (2.4 µg/g commodity).

Cereal and small grains and their processed products were treated with sulfuryl fluoride at target doses ranging from 200 mg hr/L to 1,500 mg hr/L. Sulfuryl fluoride dissipated rapidly with residues at <LOQ (with one exception), immediately following the 24–hour aeration, one sample (white corn) at the 1,500 mg hr/L dose showed a residue of 0.019 µg/g after the 24–hour aeration interval. Fluoride ion residues measured in whole grains following the fumigations ranged from <LOQ to 1.8 µg/g (200 mg hr/L dose level) and from 1.0 to 7.5 µg/g (1,500 mg hr/L dose level). The processing of sulfuryl fluoride-fumigated whole grain wheat containing fluoride ion at 1.19 µg/g yielded flour, shorts, bran, middlings, impurities, and germ containing fluoride ion at 0.446 µg/g, 1.50 µg/g, 3.05 µg/g, 0.718 µg/g, 1.07 µg/g, and 5.74 µg/g, respectively. The processing of fumigated whole grain corn containing fluoride ion at 1.76 µg/g produced flour, meal, grits, impurities, containing fluoride ion at 1.29 µg/g, 1.37 µg/g, 0.826 µg/g, and 9.67 µg/g. Fluoride ion was below the LOQ (0.3 µg/g) in corn oil (dry-and wet-milled) and wet-milled starch. Fluoride ion residues were consistently higher in processed products than in the whole grains. Fluoride ion residues in mill-fumigated processed products (germ, flour, meal) ranged from 7 to 90 µg/g, with residues generally following the order of wheat germ >wheat flour >corn flour >corn meal.

On the basis of the residues of fluoride and sulfuryl fluoride that were evaluated, the tolerances identified are supported for the listed commodities.

B. Toxicological Profile

1. *Acute toxicity*. The acute LC_{50} for sulfuryl fluoride is 642 ppm (1,088 milligram/kilogram body weight (mg/kg/bwt) for CD–1 mice exposed for 4 hours.

2. *Genotoxicty*. Genetic toxicity did not occur when sulfuryl fluoride was tested in multiple *in vivo* and *in vitro* tests.

3. *Reproductive and developmental toxicity*. Sulfuryl fluoride did not have any effects on reproductive parameters at dose levels that induced treatment-related effects in parental rats and rabbits. In addition, a teratogenic potential for sulfuryl fluoride was not demonstrated in either rats or rabbits at dose levels that induced maternal toxicity.

4. *Subchronic toxicity*. Several 2–week repeated dose inhalation studies indicate for mice a no observed adverse effect level (NOAEL) of 30 ppm for rat, rabbit, and Beagle dog a NOAEL of 100 ppm.

5. *Chronic toxicity*. The lowest reported chronic NOAEL for sulfuryl fluoride is 5 ppm based on a 2–year inhalation study with Fischer 344 rats and the parental NOAEL in a 2–generation rat reproduction study. There was no evidence of carcinogenicity in 2–year rat and 18–month mouse studies.

6. *Animal metabolism*. Rats fed a diet that had been fumigated by sulfuryl fluoride at a rate of 2 lb/1,000 cubic/feet (cu/ft) (containing fluoride levels of 19 ppm above the control level of 36 ppm) for 66 days experienced an increase in the fluoride content of their bones. The National Research Council in their 1993 report on fluoride concluded that fluoride is readily absorbed by the gut and rapidly becomes associated with teeth and bones. The remaining fluoride is eliminated almost exclusively by the kidneys with the rate of renal clearance related directly to urinary pH.

7. *Metabolite toxicology*. Clinical symptoms of acute fluoride poisoning in humans are characterized by nausea, vomiting, diarrhea, abdominal pain, and paresthesia. The frequently cited ''probably toxic dose,'' the dose which should trigger therapeutic intervention and hospitalization, is 5 mg/kg/bwt calculated for the lowest third percentile of the infant population. Five to 10 grams of sodium fluoride is considered the certainly lethal dose (CLD) for a 70 kg adult (32 to 64 mg fluoride per kg bwt). One-quarter of the CLD can be ingested without producing serious acute toxicity and is known as the safely tolerated dose, i.e., 8 to 16 mg of fluoride per kg of body weight. The Council on Dental Therapeutics of the American Dental Association recommends that ''no more than 264 mg of NaF (120 mg F) be dispensed at any one time'' in dental treatments to prevent the accidental poisoning of an infant weighing as little as 10 kilograms. EPA (cryolite RED decision, August 1996) determined a maximum concentration limit goal (MCLG) of 0.114 mg/kg/day for fluoride which provides protection from any known or anticipated adverse health effects. The MCLG has been reviewed and supported by the surgeon general. The National Toxicology Program (NTP) has concluded that there was ''no evidence'' of carcinogenic activity in male or female mice administered sodium fluoride in drinkingwater for 2 years.

8. *Endocrine disruption*. There is no evidence from any studies to suggest

that sulfuryl fluoride or fluoride are endocrine disrupters.

C. Aggregate Exposure

1. *Dietary exposure*. The Dietary Exposure Evaluation Model (DEEM), version 7.73, of Novigen Sciences, Inc. was used to estimate the dietary exposure to the U.S. population and critical sub-populations resulting from the use of sulfuryl fluoride under the conditions proposed. The highest potential chronic exposures to sulfuryl fluoride was to children ages 1 to 6 years resulting from the consumption of treated commodities totaling 0.000106 mg/kg/bwt/day. Likewise, the highest potential chronic exposure to fluoride was to children ages 1 to 6 years with a highest estimated exposure of 0.002419 mg/kg/bwt/day.

i. *Food*. Food tolerances as inorganic fluorine compounds exist to support the uses of cryolite (insecticide) on various food and feed commodities in the U.S. EPA, in the 1996 cryolite RED document, conservatively estimates that the ''high-end'' dietary exposures to fluoride due to all sources and routes (including the fluorination of water and the potential for fluoride residues resulting from the uses of cryolite) are approximately 0.085 mg/kg/bwt/day. No toxicological endpoint attributable to a single exposure was identified in the available toxicology studies on sulfuryl fluoride or inorganic fluoride that would be applicable for an acute dietary exposure.

ii. *Drinking water*. There is no anticipated exposure of sulfuryl fluoride to drinking water. As a public health tool to aid in the prevention of dental caries, fluoride is added to some domestic water supplies at generally 0.8 ppm to 1.0 ppm.

2. *Non-dietary exposure*. Sulfuryl fluoride (as Vikane specialty gas fumigant) is presently used to fumigate homes and other structures to control wood infesting insects. The existing Vikane use patterns and exposed populations are not expected to overlap with the intended post-harvest uses of ProFume.

D. Cumulative Effects

The primary degradation product of sulfuryl fluoride is fluoride. The toxicity of fluoride in various forms has been extensively reviewed and is used as an additive in treated water supplies, toothpastes, mouth rinses, and other treatments for the prevention of dental caries. It is also prescribed in therapeutic amounts for the treatment of osteoporosis. Fluoride is naturally present in both food and water in varying amounts, and has been added to public water supplies to fight dental caries. The recommended concentration of fluoride (usually as fluorosilicic acid) in treated water supplies is 0.8 ppm to 1.0 ppm. The third report on nutrition monitoring in the United States says that food contributes only small amounts of fluoride and monitoring the diet for fluoride intake is not very useful for current public health concerns. The sub-population most susceptible to fluoride is children. For this reason a number of studies have attempted to quantify the fluoride intake from a variety of sources. The total daily intake of fluoride from water (used to prepare formula, juices, and other foods) for infants ages birth to 9 months ranged to 1.73 mg with means from 0.29 to 0.38 mg. Assuming a body weight of 10 kg, these amounts are equivalent to 0.03 to 0.04 mg/kg/day. These levels of dietary exposure in combination with the potential dietary exposures that the proposed uses of ProFume would represent (chronic dietary exposures of 0.002419 mg/kg/bwt/day) are considerably lower than EPA's MCLG for fluoride of 0.114 mg/kg/bwt/day.

E. Safety Determination

1. *U.S. population*. Aggregate risk from exposure to sulfuryl fluoride would be minimal because of its rapid dissipation from any fumigated commodity and because it is not expected to be present at the time of food consumption. The sulfuryl fluoride residues in fumigated foods are expected to be non-detectable at the point of food consumption. Furthermore, if residues were considered as high as what is found immediately following the 24–hour aeration period, the margin of exposure to the most sensitive population (children) is estimated to be greater than 80,000 for chronic exposures. Exposure to fluoride, the residue of interest for sulfuryl fluoride, can occur from foods, water, and dental treatments. The additional fluoride residues in some commodities fumigated with sulfuryl fluoride are indistinguishable from the natural levels of fluoride already present and would therefore also fall within EPA's threshold of regulation policy. Alternatively, fluoride in other commodities are expected to contribute to the fluoride that is ingested, but at levels far below other sources, especially treated water and dentrifices. Chronic exposure to fluoride resulting from the proposed uses of ProFume (0.002419 mg/kg/day) is much lower than EPA's MCLG of 0.114 mg/kg/bwt/day calculated for exposure to fluorinated water. In addition, there is no directly applicable scientific documentation of adverse medical effects at levels of fluorine below 0.23 mg/kg/day.

2. *Infants and children*. Chronic exposure to fluoride from the consumption of ProFume treated commodities would be approximately 0.002419 mg/kg/day for a child age 1 to 6 years. This value is much lower than EPA's MCLG of 0.114 mg/kg/bwt/day calculated for exposure to fluorinated water.

F. International Tolerances

There is no Codex maximum residue level established for residues of fluoride on any food or feed crop.

[FR Doc. 02–3661 Filed 2–14–02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PF–1069; FRL–6823–3]

Notice of Filing Pesticide Petitions to Establish Tolerances for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–1069, must be received on or before March 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1069, in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Susan Stanton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5218; e-mail address: *stanton.susan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer.

Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at *http://www.epa.gov/*. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' you can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*.

2. *In person*. The Agency has established an official record for this action under docket control number PF–1069. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1069 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1069. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked, will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 5, 2002.

Richard P. Keigwin, Jr.

Acting Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summaries announce the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

FMC Corporation, Interregional Research Project Number 4 Taipei Economic and Cultural Representative Office

PP 0E6157; 1E6234; 1E6330, 2E6402, 2F6390, 6E4630, and 6F3454

EPA has received a pesticide petition (PP 2F6390) and an amended pesticide petition (6F3454) from FMC Corporation, 1735 Market Street, Philadelphia, PA 19103 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180.442, by establishing a tolerance for residues of bifenthrin, (2-methyl 1,1'-biphenyl-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate, in or on agricultural commodities as follows:

1. PP 2F6390 proposes a tolerance in or on food products in food handling establishments at 0.01 parts per million (ppm).

2. PP 6F3454 proposes a tolerance in or on the raw agricultural commodity pears at 1.0 ppm, in or on almond hulls at 2 ppm and in or on the tree nuts crop group at 0.05 ppm.

EPA also received pesticide petitions (6E4630, 0E6157, 2E6402, and 1E6330) from the Interregional Research Project Number 4 (IR-4), 681 U.S. Highway #1 South, North Brunswick, New Jersey 08902 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180.442, by establishing a tolerance for residues of bifenthrin, in or on raw agricultural commodities as follows:

1. PP 6E4630 proposes a tolerance for the leaf petioles subgroup (4B) (includes cardoon, celery, Chinese celery, celtuce, Florence fennel, rhubarb, Swiss chard) at 2.0 ppm.

2. PP 0E6157 proposes a tolerance for the herb subgroup (19A) at 0.05 ppm.

3. PP 1E6330 proposes a tolerance for tomato at 0.15 ppm.

4. PP 2E6402 proposes a tolerance for spinach at 0.2 ppm.

In addition, EPA received a pesticide petition (1E6234) from the Taipei Economic and Cultural Representative Office in the United States, 4301 Connecticut Ave., NW., Suite 420, Washington, DC 20008–2387 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180.442, by establishing an import tolerance for residues of bifenthrin in or on carambola (starfruit) at 1.0 ppm.

EPA has determined that the petitions contain data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time, or whether the data support granting of the petitions. Additional data may be needed before EPA rules on the petitions.

A. Residue Chemistry

1. *Plant metabolism.* The metabolism of bifenthrin in plants is adequately understood. Studies have been conducted to delineate the metabolism of radiolabelled bifenthrin in various crops all showing similar results. The residue of concern is the parent compound only.

2. *Analytical method.* There is a practical analytical method for detecting and measuring levels of bifenthrin in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances Gas Chromatography with Electron Capture Detection (GC/ECD) analytical method P-2132, PP 0E3921, MRID 41658601.

3. *Magnitude of residues.* Field residue trials meeting EPA study requirements have been conducted at the maximum label rate for pears, tree nuts, the herbs subgroup, the leaf petiole subgroup, spinach and tomato. Additionally, a food handling establishment residue study was conducted. Results from the studies demonstrate that the highest bifenthrin residues found will not exceed the proposed tolerances when bifenthrin is applied following the proposed use directions. In addition, field residue trials from Taiwan were submitted in support of the import tolerance for carambola.

B. Toxicological Profile

1. *Acute toxicity.* For the purposes of assessing acute dietary risk, FMC has used the results of a recently completed oral developmental toxicity study in rats. The maternal no observed adverse effect level (NOAEL) is 7.4 mg/kg/day (90 ppm), and is based on treatment-related clinical signs and reductions in body weights, adjusted maternal body weights, and corresponding reductions in food consumption noted among dams receiving 16.3 mg/kg/day (200 ppm). The embryo/fetal NOAEL is in excess of 16.3 mg/kg/day (200 ppm) based on the lack of any adverse fetal effects at levels up to and including 16.3 mg/kg/day (200 ppm). This acute dietary endpoint is used to determine acute dietary risks to all population subgroups.

2. *Genotoxicty.* The mouse lymphoma mutagenesis assay gave a weak positive result; however, the weight of the evidence from short-term mutagenicity tests indicate that bifenthrin is not mutagenic.

3. *Reproductive and developmental toxicity*—i. Rat reproduction study. Parental toxicity occurred as decreased body weight at 5.0 mg/kg/day with a NOAEL of 3.0 mg/kg/day. There were no developmental (pup) or reproductive effects up to 5.0 mg/kg/day (highest dose tested).

ii. Postnatal sensitivity. Based on the absence of pup toxicity up to dose levels, which produced toxicity in the parental animals, there was no evidence of special postnatal sensitivity to infants and children in the rat reproduction study.

4. *Subchronic toxicity.* The results of the 21–day dermal toxicity study in rats are used for short- and intermediate-term dermal risk calculations. The 21–day dermal toxicity study NOAEL for systemic toxicity is 50 mg/kg/day based on significant reductions in tail flick latency and on clinical signs considered indicative of systemic toxicity (i.e., exaggerated hindlimb flexion, exophthalmos and staggered gait, and vocalization).

5. *Chronic toxicity*—i. The reference dose (RfD) has been established at 0.015 mg/kg/day. This RfD is based on a 1–year oral feeding study in dogs with a NOAEL of 1.5 mg/kg/day, based on intermittent tremors observed at the lowest observed adverse effect level (LOAEL) of 3.0 mg/kg/day; an uncertainty factor of 100 is used.

ii. Bifenthrin is classified as a Group C chemical (possible human carcinogen) based upon urinary bladder tumors in mice; assignment of a Q* has not been recommended.

6. *Animal metabolism.* The metabolism of bifenthrin in animals is adequately understood. Metabolism studies in rats with single doses demonstrated that about 90% of the parent compound and its hydroxylated metabolites are excreted.

7. *Metabolite toxicology.* The Agency has previously determined that the metabolites of bifenthrin are not of toxicological concern, and need not be included in the tolerance expression.

8. *Endocrine disruption.* No special studies investigating potential estrogenic or other endocrine effects of bifenthrin have been conducted. However, no evidence of such effects was reported in the standard battery of required toxicology studies, which have been completed and found acceptable. Based on these studies, there is no evidence to suggest that bifenthrin has an adverse effect on the endocrine system.

C. Aggregate Exposure

1. *Dietary exposure.* Tolerances have been established for the residues of bifenthrin, in or on a variety of raw agricultural commodities. Tolerances, in support of registrations, currently exist for residues of bifenthrin on the following crops: Hops, strawberries, corn (grain, forage and fodder), sweet corn, eggplant, cottonseed, artichokes, peppers (bell and non-bell), lettuce (head), and grapes. Also for the crop group cucurbit vegetables and the subgroup edible-podded legume, succulent shelled peas, caneberries, cabbage, rapeseed and brassica (head and stem). Also, for the livestock commodities of cattle, goats, hogs, horses, sheep, poultry, eggs, and milk. Pending tolerances for leafy petioles, leafy brassica, tree nuts crop group, tomatoes, food handling establishments, citrus, bananas, peanuts, pears, potatoes, dried shelled peas/beans, spinach, and the subgroup herbs also exist. For the purposes of assessing the potential dietary exposure for these existing and pending tolerances, FMC conducted an exposure estimate using Novigen's Dietary Exposure Evaluation Model (DEEM) software, results from field trials and processing studies, monitoring data, consumption data from the 1994–1996, 1998 USDA Continuing Surveys of Food Intakes by Individuals (CSFII), and information on the percentages of the crops treated (where available) with bifenthrin were utilized.

i. *Food*—a. *Acute dietary exposure.* Risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. For the purposes of assessing acute dietary risk for bifenthrin, the maternal NOAEL of 7.4 mg/kg/day from the recent oral developmental toxicity study in rats was used. The maternal LOAEL of this study of 16.3 mg/kg/day was based on treatment-related clinical signs and reductions in body weights, adjusted maternal body weights, and corresponding reductions in food consumption. This acute dietary endpoint was used to determine acute dietary risks to all population subgroups. Available information on anticipated residues, monitoring data and percent crop treated (if no estimate was available the conservative estimate of 100% crop treatment was used) were incorporated into a Tier 3 analysis; using Monte Carlo modeling for commodities that may be consumed in a single serving. These assessments demonstrate that the MOEs at the 99.9th percentile are greater than the EPA standard of 100 for all subpopulations. The 99.9th percentile of exposure for the overall U.S. population is estimated to be 0.004623 mg/kg/day (MOE of 1600). The 99.9th percentile of exposure for children 1 to 6 years old (most highly exposed population subgroup) is estimated to be 0.009573 mg/kg/day (MOE of 773). The 99.9th percentile of exposure to all infants less than 1 year old is estimated to be 0.004535 mg/kg/day (MOE of 1631). The 99.9th percentile of exposure for nursing infants less than one 1 year old is estimated to be 0.002561 mg/kg/day (MOE of 2889). The 99.9th percentile of exposure to non-nursing infants less than 1 year old is estimated to be 0.004801 mg/kg/day (MOE of 1541). Based on the conservatism used in the analyses, actual dietary exposure will be less than that presented here. FMC concludes that based on adequate MOEs for all population subgroups, there is reasonable certainty that no harm will result from the proposed additional uses of bifenthrin.

b. *Chronic exposure.* The acceptable RfD for bifenthrin, based on a NOAEL of 1.5 mg/kg/day from the chronic dog study and an uncertainty factor of 100 (to account for interspecies and intraspecies variations), is 0.015 mg/kg/day. The endpoint effect of concern was tremors in both sexes of dogs at the LOAEL of 3.0 mg/kg/day. A chronic dietary exposure/risk assessment has been performed for bifenthrin using the RfD of 0.015 mg/kg/day. The chronic exposures for the U.S. population are estimated to be 0.000530 mg/kg/day and utilize 3.5% of the RfD. The chronic exposures for children 1 to 6 years old (most highly exposed population subgroup) is estimated to be 0.001415 mg/kg/day and utilizes 9.4% of the RfD. Chronic dietary exposure estimates for the overall U.S. population and 25 population subgroups (including infants and children) are all less than 10% of the chronic RfD of 0.015 mg/kg/day, therefore, FMC concludes with reasonable certainty that no harm will result from the proposed additional uses of bifenthrin.

ii. *Drinking water.* EPA's draft standard operating procedures (SOP) for incorporating estimates of drinking water exposure into aggregate risk assessments was used to perform a drinking water analysis. This SOP utilizes a variety of tools to conduct drinking water assessment. These tools include water models such as FQPA Index Reservoir Screening Tool (FIRST), PRZM/EXAMS, SCIGROW and monitoring data. If monitoring data are not available, then the models are used to predict potential residues in surface water. A comparison of the calculated Drinking Water Level of Concern (DWLOC) value to the Drinking Water Estimated Concentration (DWEC) is made. If the DWLOC exceeds the DWEC value, then there is reasonable certainty that no harm will result from the short- or intermediate-term aggregate exposure. In the case of bifenthrin, monitoring data do not exist, so the FIRST model was used to estimate a surface water residue. Based on the analyses, the short-term DWLOCs were greater than 530 ppb while the modeled DWEC was 14 parts per trillion (ppt). The intermediate-term DWLOCs was greater than 1,000 ppb while the modeled DWEC was 14 pptr. Since, the calculated DWLOC values for short- and intermediate-term exposures for all adults, adult females, and toddlers exceed the modeled DWEC surface water residues, there is reasonable certainty that no harm will result from aggregate (food, water, and residential) exposure to bifenthrin residues.

2. *Non-dietary exposure.* A variety of techniques are used to assess exposure to pesticidal residues. These techniques range from utilizing straightforward algorithms to complex exposure models. The residential exposure algorithms and default factors in the EPA's Standard Operating Procedures for Residential Exposure Assessments were used in this analysis. The values used include the modifications to the default factors presented by the EPA to the Science Advisory Panel during 2001. The EPA also has created models and data bases to use in the absence of adequate data such as: Pesticide Handlers Exposure Data Base (PHED). The aggregate residential exposure analyses were based on conservative screening-level assumptions. The residential risk assessments resulted in acceptable MOEs and a clear indication of reasonable certainty of no harm. The short-term analyses, all of the route- and product-specific MOEs were greater

than 1,000, and the aggregate MOEs were greater than 100. The short-term aggregate MOEs for all adults is estimated to be 153, adult females 131, and toddlers 235. The intermediate-term analyses, all of the route- and product-specific MOEs were greater than 6,000, and the aggregate MOEs were greater than 2,000. The intermediate-term aggregate MOEs for all adults is estimated to be 4,430, adult females 4,348, and toddlers 2,394. Based on the above information, FMC concludes that bifenthrin does not pose a risk due to short- and intermediate-term aggregate exposure.

D. Cumulative Effects

To our knowledge there are currently no available data, or other reliable information indicating that any toxic effects produced by bifenthrin would be cumulative with those of other chemical compounds; thus, only the potential risks of bifenthrin have been considered in this assessment of its aggregate exposure.

E. Safety Determination

1. *U.S. population.* Using the conservative exposure assessment analyses the estimated chronic exposure to the U.S. population is 0.000530 mg/kg/day and utilizes 3.5% of the RfD. In addition, the chronic exposure estimates for all 25 population subgroups (including infants and children) are well below the chronic RfD of 0.015 mg/kg/day. The acute dietary exposure analyses at the 99.9th percentile for the U.S. population is 0.004623 with a MOE of 1600. In addition, the acute exposure estimates for population subgroups of concern (women of childbearing age, infants, and children) indicate there are adequate MOEs (greater than 100). Based on this information, FMC concludes that there is reasonable certainty that no harm will result from acute and chronic exposure to bifenthrin.

2. *Infants and children*—i. *General.* In assessing the potential for additional sensitivity of infants and children to residues of bifenthrin, FMC considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to the systemic toxicity. FFDCA section 408, provides that the EPA may apply an additional margin of safety for infants and children in the case of threshold effects to account for prenatal, and postnatal toxicity and completeness of the data base.

ii. *Developmental toxicity studies.* In the rabbit developmental study, there were no developmental effects observed in the fetuses exposed to bifenthrin. The maternal NOAEL was 2.67 mg/kg/day based on head and forelimb twitching at the LOAEL of 4 mg/kg/day. In the rat developmental study, the maternal NOAEL was 7.4 mg/kg/day, based on treatment-related clinical signs and reductions in body weights, adjusted maternal body weights, and corresponding reductions in food consumption noted among dams receiving the LOAEL of 16.3 mg/kg/day. The developmental NOAEL was greater than 16.3 mg/kg/day based on lack of any adverse fetal effects at levels up to and including 16.3 mg/kg/day.

iii. *Reproductive toxicity study.* In the rat reproduction study, parental toxicity occurred as decreased body weight at 5.0 mg/kg/day with a NOAEL of 3.0 mg/kg/day. There were no developmental (pup) or reproductive effects up to 5.0 mg/kg/day (highest dose tested).

iv. *Conclusion.* Based on the absence of fetal effects and pup toxicity in any of the referenced studies, FMC concludes that reliable data support use of the standard 100-fold uncertainty factor, and that an additional uncertainty factor is not needed to protect the safety of infants and children. As previously stated, aggregate exposure assessments utilized less than 10% of the RfD for either the entire U.S. population or any of the population subgroups including infants and children. Therefore, it may be concluded that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to bifenthrin residues.

F. International Tolerances

There are no Codex, Canadian, or Mexican residue limits for the residue of bifenthrin in or on pears, the tree nut crop group, foods in food handling establishments, the herb subgroup, the leaf petiole subgroup, spinach, carambola or tomato.

[FR Doc. 02–3663 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50893; FRL–6823–5]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits (EUPs) to the following pesticide applicants. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: *By mail*: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

In person or by telephone: Contact the designated person at the following address at the office location, telephone number, or e-mail address cited in each EUP: 1921 Jefferson Davis Hwy., Arlington, VA.

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 those persons who conduct or sponsor research on 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 action, consult the designated contact person listed for the individual EUP.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document from the EPA Internet Home Page at *http://www.epa.gov/*. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*.

II. EUPs

EPA has issued the following EUPs:

100–EUP–RNO. Issuance. Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419. This EUP allows the use of 120.8 pounds of the insecticide thiamethoxam on 1,230 sq. ft. of 615 structures over a period of 3 years to evaluate the control of termites and other nuisance pests around homes. The program is authorized only in the States of Alabama, Arizona, California, Florida, Georgia, Hawaii, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The

EUP is effective from April 30, 2002 to October 30, 2005. (Dani Daniel; Rm. 211, Crystal Mall #2; telephone number: (703) 305–5409; e-mail address: *daniel.dani@epa.gov*).

100–EUP–RRN. Issuance. Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419. This EUP allows the use of 120.8 pounds of the insecticide thiamethoxam on 1,230 sq. ft. of 615 structures over a period of 3 years to evaluate the control of termites and other nuisance pests around homes. The program is authorized only in the States of Alabama, Arizona, California, Florida, Georgia, Hawaii, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The EUP is effective from April 30, 2002 to October 30, 2005. (Dani Daniel; Rm. 211, Crystal Mall #2; telephone number: (703) 305–5409; e-mail address: daniel.dani@epa.gov).

Persons wishing to review these EUPs are referred to the designated contact person. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 6, 2002.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 02–3662 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00330; FRL–6815–8]

National Advisory Committee for Acute Exposure Guideline Levels (AEGLs) for Hazardous Substances; Proposed AEGL Values

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) is developing AEGLs on an ongoing basis to provide Federal, State, and local agencies with information on short-term exposures to hazardous chemicals. This notice provides AEGL values and Executive Summaries for eight chemicals for public review and comment. Comments are welcome on both the AEGL values in this notice and the technical support documents placed in the public version of the official docket for these eight chemicals.

DATES: Comments, identified by docket control number OPPTS–00330, must be received on or before March 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00330 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul S. Tobin, Designated Federal Officer (DFO), Office of Pollution Prevention and Toxics (7406M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8557; e-mail address: tobin.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the general public to provide an opportunity for review and comment on ''Proposed'' AEGL values and their supporting scientific rationale. This action may be of particular interest to anyone who may be affected if the AEGL values are adopted by government agencies for emergency planning, prevention, or response programs, such as EPA's Risk Management Program under the Clean Air Act and Amendments Section 112r. It is possible that other Federal agencies besides EPA, as well as State and local agencies and private organizations, may adopt the AEGL values for their programs. As such, 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 DFO listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–00330. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00330 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East

Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

3. *Electronically*. You may submit your comments electronically by e-mail to: oppt.ncic@epa.gov, or mail or deliver your computer disk to the appropriate address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–00330. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the various options we propose, new approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider during the development of the final action. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. Introduction

EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) provided notice on October 31, 1995 (60 FR 55376) (FRL–4987–3) of the establishment of the NAC/AEGL Committee with the stated charter objective as ''the efficient and effective development of AEGLs and the preparation of supplementary qualitative information on the hazardous substances for federal, state, and local agencies and organizations in the private sector concerned with [chemical] emergency planning, prevention, and response.'' The NAC/AEGL Committee is a discretionary Federal advisory committee formed with the intent to develop AEGLs for chemicals through the combined efforts of stakeholder members from both the public and private sectors in a cost-effective approach that avoids duplication of efforts and provides uniform values, while employing the most scientifically sound methods available. An initial priority list of 85 chemicals for AEGL development was published in the **Federal Register** of May 21, 1997 (62 FR 27734) (FRL–5718–9). This list is intended for expansion and modification as priorities of the stakeholder member organizations are further developed. While the development of AEGLs for chemicals are currently not statutorily based, at lease one rulemaking references their planned adoption. The Clean Air Act and Amendments Section 112(r) Risk Management Program states, ''EPA recognizes potential limitations associated with the Emergency Response Planning Guidelines and Level of Concern and is working with other agencies to develop AEGLs. When these values have been developed and peer-reviewed, EPA intends to adopt them, through rulemaking, as the toxic endpoint for substances under this rule (see 61 FR 31685).'' It is believed that other Federal, State and local agencies, and private organizations will also adopt AEGLs for chemical emergency programs in the future.

B. Characterization of the AEGLs

The AEGLs represent threshold exposure limits for the general public and are applicable to emergency exposure periods ranging from 10 minutes to 8 hours. AEGL-1, AEGL-2, and AEGL-3 levels, as appropriate, will be developed for each of five-exposure periods (10 and 30 minutes, 1 hour, 4 hours, and 8 hours) and will be distinguished by varying degrees of severity of toxic effects. It is believed that the recommended exposure levels are applicable to the general population including infants and children, and other individuals who may be sensitive and susceptible. The AEGLs have been defined as follows:

AEGL-1 is the airborne concentration (expressed as parts per million (ppm) or milligrams/meter cubed (mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic, non-sensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.

AEGL-2 is the airborne concentration (expressed as ppm or mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience irreversible or other serious, long-lasting adverse health effects, or an impaired ability to escape.

AEGL-3 is the airborne concentration (expressed as ppm or mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience life-threatening health effects or death.

Airborne concentrations below the AEGL-1 represent exposure levels that could produce mild and progressively increasing odor, taste, and sensory irritation or certain non-symptomatic, non-sensory effects. With increasing airborne concentrations above each AEGL level, there is a progressive increase in the likelihood of occurrence and the severity of effects described for each corresponding AEGL level. Although the AEGL values represent threshold levels for the general public, including sensitive subpopulations, it is recognized that certain individuals, subject to unique or idiosyncratic

responses, could experience the effects described at concentrations below the corresponding AEGL level.

C. Development of the AEGLs

The NAC/AEGL Committee develops the AEGL values on a chemical-by-chemical basis. Relevant data and information are gathered from all known sources including published scientific literature, State and Federal agency publications, private industry, public data bases, and individual experts in both the public and private sectors. All key data and information are summarized for the NAC/AEGL Committee in draft form by Oak Ridge National Laboratories together with ''draft'' AEGL values prepared in conjunction with NAC/AEGL Committee members. Both the ''draft'' AEGLs and ''draft'' technical support documents are reviewed and revised as necessary by the NAC/AEGL Committee members prior to formal NAC/AEGL Committee meetings. Following deliberations on the AEGL values and the relevant data and information for each chemical, the NAC/AEGL Committee attempts to reach a consensus. Once the NAC/AEGL Committee reaches a consensus, the values are considered ''Proposed'' AEGLs. The Proposed AEGL values and the accompanying scientific rationale for their development are the subject of this notice.

In this notice, the NAC/AEGL Committee publishes proposed AEGL values and the accompanying scientific rationale for their development for eight hazardous substances. These values represent the sixth set of exposure levels proposed and published by the NAC/AEGL Committee. EPA published the first ''Proposed'' AEGLs for 12 chemicals from the initial priority list in the **Federal Register** of October 30, 1997 (62 FR 58840–58851) (FRL–5737–3); for 10 chemicals in the **Federal Register** of March 15, 2000 (65FR 14186–14196) (FRL–6492–4); for 14 chemicals in the **Federal Register** of June 23, 2000 (65 FR 39263–39277) (FRL–6492–4); for 7 chemicals in the **Federal Register** of December 13, 2000 (65 FR 77866–77874) (FRL–6752–5); and for 18 chemicals in the **Federal Register** of May 2, 2001 (66 FR 21940–21964) (FRL–6776–3) in order to provide an opportunity for public review and comment. In developing the proposed AEGL values, the NAC/AEGL Committee has followed the methodology guidance entitled ''Guidelines for Developing Community Emergency Exposure Levels for Hazardous Substances,'' published by the National Research Council of the National Academy of Sciences (NAS) in 1993. The term Community Emergency Exposure Levels (CELLS) is synonymous with AEGLs in every way. The NAC/AEGL Committee has adopted the term acute exposure guideline levels to better connote the broad application of the values to the population defined by the NAS and addressed by the NAC/AEGL Committee. The NAC/AEGL Committee invites public comment on the proposed AEGL values and the scientific rationale used as the basis for their development.

Following public review and comment, the NAC/AEGL Committee will reconvene to consider relevant comments, data, and information that may have an impact on the NAC/AEGL Committee's position and will again seek consensus for the establishment of Interim AEGL values. Although the Interim AEGL values will be available to Federal, State, and local agencies and to organizations in the private sector as biological reference values, it is intended to have them reviewed by a subcommittee of the NAS. The NAS subcommittee will serve as a peer review of the Interim AEGL values and as the final arbiter in the resolution of issues regarding the AEGL values, and the data and basic methodology used for setting AEGLs. Following concurrence, ''Final'' AEGL values will be published under the auspices of the NAS.

III. List of Chemicals

On behalf of the NAC/AEGL Committee, EPA is providing an opportunity for public comment on the AEGLs for the eight chemicals identified in the following table. This table also provides the fax-on-demand item number for the chemical-specific documents, which may be obtained as described in Unit I.B.

A. Fax-On-Demand Table

TABLE 1.—FAX-ON-DEMAND NUMBER

CAS No.	Chemical name	Fax-On-Demand Item No.
56–23–5	Carbon tetrachloride	4851
75–56–9	Propylene oxide	4864
7637–07–2	Boron trifluoride-dimethyl ether	4892
7782–50–5	Chlorine	4916
7783–81–5	Uranium hexafluoride	4919
10049–04–4	Chlorine dioxide	4926
163702–07–6	Methyl nonafluorobutyl ether (HFE-7100 component)	4933
163702–08–7	Methyl nonafluoroisobutyl ether (HFE-7100 component)	4934

B. Executive Summaries

The following are executive summaries from the chemical-specific technical support documents (which may be obtained as described in Unit I.B. and III.) that support the NAC/AEGL Committee's development of AEGL values for each chemical substance. This information provides the following: A general description of each chemical, including its properties and principle uses; a summary of the rationale supporting the AEGL-1, 2, and 3 concentration levels; a summary table of the AEGL values; and a listing of key references that were used to develop the AEGL values. More extensive toxicological information and additional references for each chemical may be found in the complete technical support documents. Risk managers may be interested to review the complete technical support document for a chemical when deciding issues related

to use of the AEGL values within various programs.

1. *Carbon tetrachloride*—i. *Description*. Carbon tetrachloride (CAS No. 56–23–5) is a colorless, nonflammable, heavy liquid only slightly soluble in water that is used as a laboratory and industrial solvent, an intermediate in the synthesis of trichlorofluoromethane and dichlorodifluoromethane, and was formerly used as a dry-cleaning agent, grain fumigant, anthelmintic, and fire suppressant.

Numerous case reports were available regarding acute inhalation exposure of humans to carbon tetrachloride although most lacked definitive-exposure terms. These reports, however, affirmed the hepatotoxic and renal toxicity of carbon tetrachloride as well as a delayed response for serious and fatal effects. Additionally, data from controlled exposures of humans to carbon tetrachloride were also available.

Animal toxicity data for inhaled carbon tetrachloride indicate hepatotoxic and renal effects, as well as anesthetic-like effects, as primary endpoints. The most sensitive endpoint for evaluating the toxicity of carbon tetrachloride in animals appears to be measurement of serum enzyme activities that reflect hepatic damage. Several studies provided lethality data for various concentrations and exposure durations but data regarding nonlethal effects were limited or available only from long-term exposure studies.

Studies in animals have shown the metabolism and disposition of carbon tetrachloride to be complex and varied among species. Although the precise mechanism of toxicity is equivocal, the biotransformation of carbon tetrachloride by the monooxygenase enzymes (specifically CYP2E1) to reactive intermediates is critical for expression of toxicity. It is this activation process that is critical in modifying the toxic response to carbon tetrachloride.

The AEGL-1 values were based upon a controlled exposure of human subjects to 158 ppm for 30 minutes (Davis, 1934). The exposure resulted in a feeling of nervousness and slight nausea. Development of AEGL values for the various exposure periods was based upon the exponential function, $C^n \times t = k$ (ten Berge et al., 1986), where n = 2.5 as determined by the lethal response of rats to various exposures of carbon tetrachloride. The AEGL-1 values were adjusted by an uncertainty factor of 10 to account for the protection of sensitive individuals (such as users of alcohol) who, due to metabolism and disposition factors, are known to be more susceptible to the toxic effects of carbon tetrachloride.

The AEGL-2 was also based upon human data from controlled exposure experiments in which subjects experienced headache, nausea, and vomiting following 15-minute exposure to 1,191 ppm carbon tetrachloride (Davis, 1934). It is believed that these effects may impair escape. The AEGL-2 values were derived with temporal scaling based upon the exponential function where n = 2.5. The AEGL values were further adjusted by the application of an uncertainty factor of 10 to account for individuals who may be more susceptible to the toxic effects of carbon tetrachloride due to variability in metabolism and disposition of the chemical.

The AEGL-3 was based upon an estimated lethality threshold (1-hour LC_{01} of 5,135.5 ppm) using data from multiple studies on laboratory rats (Adams et al., 1952; Dow Chemical, 1986). Temporal scaling using the exponential function where n = 2.5 was derived from lethality data and used to develop values for AEGL-specific exposure durations. An uncertainty factor of 10 was again applied to account for individuals who may be more susceptible to the toxic effects of carbon tetrachloride (e.g., P-450 induction by ethanol consumption and overall variability in metabolism and disposition of the chemical). Because animal data were used, an uncertainty factor of 3 was applied to account for possible variability in metabolism and the toxic response among species, bringing the total uncertainty factor adjustment to 30. Application of additional uncertainty factors did not appear to be warranted because animal data showed that long-term exposures to carbon tetrachloride above the AEGL-3 values did not result in notable toxic effects.

Although a carcinogenic response following oral exposure of laboratory species has been demonstrated, quantitative data for inhalation exposures were unavailable. However, a unit risk of 1.5E-5 per μg (gram)/m^3 has been established based upon route-to-route extrapolation from carcinogenicity data for oral exposures in various laboratory species. An estimation of AEGLs based upon carcinogenic potential was conducted but the assessment revealed that AEGLs derived from noncarcinogenic toxicity endpoints were more applicable for human health protection relative to adverse effects following acute inhalation exposures.

The AEGL values developed for carbon tetrachloride did not incorporate the possibility of dermal exposure. If the potential for dermal absorption exists, the AEGL values may not be appropriate. Additionally, for AEGL-2 and AEGL-3 exposures, the possibility exists for long-term hepatotoxic effects possibly requiring the need for antioxidant therapy.

The calculated values are listed in Table 2 below:

TABLE 2.—SUMMARY OF PROPOSED AEGL VALUES FOR CARBON TETRACHLORIDE [PPM (MG/M^3)]

Classification	10-minutes	30-minutes	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	25 (157)	16 (101)	12 (75)	6.9 (43)	5.2 (33)	Nervousness and slight nausea in human subjects exposed for 30 minutes to 158 ppm (Davis, 1934)
AEGL-2 (Disabling)	140 (881)	90 (566)	68 (428)	39 (245)	30 (189)	Nausea, vomiting, headache in human subjects exposed to 1,191 ppm for 15 minutes (Davis, 1934)
AEGL-3 (Lethal)	350 (2,202)	230 (1,447)	170 (1,069)	99 (623)	75 (472)	Lethality in rats; estimated LC_{01} (Adams et al., 1952; Dow Chemical, 1986)

ii. *References*. a. Adams, E.M.; Spencer, H.C.; Rowe, V.K.; McCollister, D.D.; and Irish, D.D. 1952. Vapor toxicity of carbon tetrachloride determined by experiments on laboratory animals. *Archives of Industrial Hygiene and Occupational Medicine*. 6:50–66.

b. Davis, P. A. 1934. Carbon tetrachloride as an industrial hazard. *Journal of the American Medical Association*. 103:962–966.

c. Dow Chemical. 1986. Comparison of the result of exposure of rats and cavies to the vapors of carbon tetrachloride and bromochloromethane. Dated: 7/11/60. EPA-OTS 86-870002363.

d. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

2. *Propylene oxide*—i. *Description*. Propylene oxide (CAS No. 75–56–9) is an extremely flammable, highly volatile, colorless liquid. The odor of propylene oxide has been described as sweet and alcoholic in nature, and has reported odor thresholds ranging from 10 ppm to 200 ppm. The primary industrial uses of propylene oxide include its use in the production of polyurethane foams and resins, propylene glycol, functional fluids (such as hydraulic fluids, heat transfer fluids, and lubricants), and propylene oxide-based surfactants. It is also used as a food fumigant, soil sterilizer, and acid scavenger.

Data addressing inhalation toxicity of propylene oxide in humans were limited to one case report, general environmental work surveys, and molecular biomonitoring studies. Studies addressing lethal and nonlethal inhalation toxicity of propylene oxide were available in monkeys, dogs, rats, mice, and guinea pigs. General signs of toxicity following acute exposure to propylene oxide vapor included nasal discharge, lacrimation, salivation, gasping, lethargy/hypoactivity, weakness, and incoordination. Repeated exposures resulted in similar but generally reversible signs of toxicity.

Propylene oxide is a direct alkylating agent that will covalently bind to DNA and proteins. Consequently, it has tested positive in a number of *in vitro* tests, but has produced equivocal results in *in vivo* test systems. Data addressing the potential carcinogenicity of propylene oxide in animals is considered adequate for establishing propylene oxide as a carcinogen in experimental animals.

The proposed AEGL-1 values for propylene oxide were based on an environmental health survey in which 8-hour time weighted averages (TWA) were determined from a 3-day sampling period during which no worker complaints were noted (Chemical Manufacturers Association (CMA), 1998). The highest 8-hour TWA value of 31.8 ppm was chosen for the derivation. An interspecies uncertainty factor was not needed, since the data were from human exposures. An intraspecies uncertainty factor of 3 was applied because the toxic effects (no complaints noted) were less severe than those defined for the AEGL-1 tier. Therefore, a total uncertainty factor of 3 was applied. These values are supported by mouse data from the National Toxicology Program (NTP) (1985) study. Mice were the most sensitive species tested, and dyspnea was the most sensitive endpoint of toxicity following exposure to propylene oxide. Dyspnea was observed in mice exposed for 4 hours to 387 ppm propylene oxide vapor, the lowest concentration tested, but not in mice exposed to 98.5 ppm propylene oxide vapor or less for 6 hours/day, 5 days/week for 2 weeks (NTP, 1985). Therefore, an AEGL-1 can be derived using the exposure concentration of 98.5 ppm for 6 hours (a no-observed-effect level (NOEL) for dyspnea). Following application of a total uncertainty factor of 3 (interspecies uncertainty factor of 1 because mice were the most sensitive laboratory species tested, and available data indicate that mice are equally or slightly more sensitive than humans; an intraspecies uncertainty factor of 3 because the toxic effect (NOEL for dyspnea) was less severe than that defined for the AEGL-1 tier), one obtains AEGL-1 values approximately two-fold greater than those generated using the human data.

The proposed AEGL-2 values are based on the average of AEGL-2 values derived using four propylene oxide exposure concentrations measured in the breathing zone of three workers (380 ppm for 177 minutes, 525 ppm for 121 minutes, 392 ppm for 135 minutes, and 460 ppm for 116 minutes) (CMA, 1998). The industrial hygienist noted that ''the odor was quite strong during the sampling; however, the irritation was not intolerable.'' The exact nature of the irritation, other than the strong odor, was not provided, but occasional eye irritation was noted in the report as the reason for the monitoring program. When deriving AEGL-2 values, an interspecies uncertainty factor was not applicable. An intraspecies uncertainty factor of 3 was applied because the toxic effects (occasional eye irritation; strong odor) were less severe than those defined for the AEGL-2 tier. Therefore, a total uncertainty factor of 3 was applied. The AEGL-2 values are supported by the data from the NTP study in which mice exposed to 387 ppm for 4 hours exhibited dyspnea. Although a NOEL was not established for dyspnea at this concentration, no other effects were noted. In addition, when compared to other studies investigating propylene oxide toxicity in mice, the NTP study reported toxic effects occurring at much lower concentrations than those observed in other studies. Following application of a total uncertainty factor of 3 (interspecies uncertainty factor of 1 because mice were the most sensitive laboratory species tested, and available data indicate that mice are equally or slightly more sensitive than humans; an intraspecies uncertainty factor of 3 because the toxic effect was less severe than that defined for the AEGL-2 tier), one obtains AEGL-2 values approximately 1.4-fold greater than those generated using the human data.

The highest nonlethal concentration in humans was chosen for the AEGL-3 derivation (CMA, 1998). A worker exposed to 1,520 ppm propylene oxide for 171 minutes did not experience mortality; in fact, exposure to this concentration did not cause the worker to cease working. The notation was made by the industrial hygienist that ''the odor was quite strong during the sampling; however, the irritation was not intolerable.'' In deriving AEGL-3 levels, an interspecies uncertainty factor is not needed. An intraspecies uncertainty factor of 3 was applied because the toxic effects (strong odor) were less severe than those defined for the AEGL-3 tier. A modifying factor of 2 was applied to account for the sparse data set (one sample measurement from one worker; old survey from 1968). That these values should be protective of human health is supported by the mouse data. The highest nonlethal concentration in mice was 859 ppm for 4 hours (NTP, 1985). Following application of a total uncertainty factor of 3 (an interspecies uncertainty factor of 1 because mice were the most sensitive laboratory species tested, and available data indicate that mice are equally or slightly more sensitive than humans; an intraspecies uncertainty factor of 3 because the mechanism of toxicity is not expected to differ greatly between individuals), one obtains AEGL-3 values approximately 1.4-fold greater than those generated using the human data.

The experimentally derived exposure values were then scaled to AEGL time frames using the concentration-time relationship given by the equation $C^n \times t = k$, where c = concentration, t = time, k is a constant, and n generally ranges from 1 to 3.5 (ten Berge, 1986). Data appropriate for the derivation of n were extremely limited. Because of the lack of data for empirical derivation of n for propylene oxide, and based on the

similar mechanism of action of propylene oxide as compared to ethylene oxide, the derived value of n for ethylene oxide will be used in the scaling of propylene oxide AEGL values across time. The value of n = 1.2 for ethylene oxide was derived empirically from 1- and 4-hour LC_{50} values for rats. An n value of approximately 1 is further supported by propylene oxide guinea pig data that also suggest a linear relationship. The 10-minute AEGL-1 value was set equal to the 30-minute AEGL value because the NAC considers it inappropriate to extrapolate from the exposure duration of 8 hours to 10 minutes.

A carcinogenic risk assessment of propylene oxide resulted in values that exceed the values based on acute toxicity. Therefore, they are not proposed for AEGL-3. Additionally, while long-term inhalation exposure studies have demonstrated that propylene oxide is carcinogenic in mice and rats, no tumors were observed when 12-week-old male Sprague-Dawley rats were exposed to 433 or 864 ppm propylene oxide for 30 days or 1,724 ppm for 8 days (exposures were for 6 hours/day, 5 days/week) and allowed to die naturally (Sellakumar et al., 1987). This shorter-term exposure suggests a lack of carcinogenic effect following acute exposures.

The calculated values are listed in Table 3 below:

TABLE 3.—SUMMARY OF PROPOSED AEGL VALUES FOR PROPYLENE OXIDE [PPM (MG/M^3)]

Classification	10-minutes	30-minutes	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	110 (260)	110 (260)	60 (140)	19 (45)	11 (26)	8-hour TWA of 31.8 ppm resulted in no worker complaints (CMA, 1998)
AEGL-2 (Disabling)	1,300 (3,100)	510 (1,200)	290 (690)	91 (220)	51 (120)	Humans: Strong odor and irritation noted in monitoring study; average of AEGL-2 values using 4 exposure concentrations and durations: 380 ppm for 177 minutes, 525 ppm for 121 minutes, 392 ppm for 135 minutes, 460 ppm for 116 minutes (CMA, 1998)
AEGL-3 (Lethal)	2,700 (6,400)	1,100 (2,600)	610 (1,400)	190 (450)	110 (260)	Humans: Highest recorded nonlethal concentration of 1,520 ppm for 171 minutes (CMA, 1998)

ii. *References*. a. CMA. 1998. Chemical Manufacturers Association to National Advisory Committee, (NAC)/AEGLs, Human Experience with Propylene Oxide. Dated: October 16, 1998.

b. NTP. 1985. Toxicology and Carcinogenesis Studies of Propylene Oxide (CAS No. 75–56–9) in F344/N Rats and B6C3F$_1$ Mice (Inhalation Studies). NTP TR 267, National Institutes of Health (NIH) Publication No. 85–2527, U.S. Department of Health and Human Services, Research Triangle Park, NC.

c. Sellakumar, A.R.; Snyder, C.A.; and Albert, R.E. 1987. Inhalation carcinogenesis of various alkylating agents. *Journal of the National Cancer Institute*. 79:285–289.

d. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

3. *Boron trifluoride-dimethyl ether*—i. *Description*. Boron trifluoride-dimethyl ether (CAS No. 7637–07–2) is one of several different complexes that can be formed with boron trifluoride. The complexes are generally formed for ease of handling boron trifluoride. The ether complexes consist of a 1:1 molar ratio of boron trifluoride and the dimethyl or diethyl ether and can dissociate under the proper temperature and pressure conditions. A single study was found that addressed the toxicity of boron trifluoride-dimethyl ether, but it reported only nominal concentrations. Because the complex can dissociate to form boron trifluoride, the AEGL derivations are based upon this one chemical species alone.

Boron trifluoride is a colorless gas with an odor that has been described both as pungent and suffocating or as pleasant. Although the gas is stable in dry air, it immediately forms a dense white mist or cloud when exposed to moist air. It has been reported that upon exposure to even low levels of moisture in the air, boron trifluoride reacts to form the dihydrate, BF3 $2H_2O$. It has been demonstrated that boron trifluoride dihydrate is strongly corrosive to the eyes and skin of rabbits. Boron trifluoride is an excellent catalyst, and has fire retardant and antioxidant properties, nuclear applications, and insecticidal properties.

No definitive data were available addressing the toxicity of boron trifluoride in humans. A statement was made in one study that a worker could detect the odor of boron trifluoride at a concentration of 1.5 ppm (4.1 mg/m^3) (Torkelson et al., 1961). Acute toxicity data were available in dogs, rats, mice, and guinea pigs, but exposure concentrations were generally expressed only in terms of nominal concentrations. Studies which actually measured the exposure concentrations and compared them to nominal concentrations found actual concentrations ranged from 25–56% of nominal (Rusch et al., 1986; Torkelson et al., 1961). Studies identifying endpoints other than those of mortality were limited. No data were available to evaluate the potential for boron trifluoride to cause developmental/reproductive toxicity or carcinogenicity in animals. Boron trifluoride was not mutagenic to several strains of *Salmonella typhimurium*.

The AEGL-1 derivation is based upon lacrimation noted in some rats starting at week 2 of exposure to 6 mg/m^3 boron trifluoride for 6 hours/day, 5 days/week for 13 weeks (exposures were to liquid aerosols of boron trifluoride dihydrate; concentrations reported are based on boron trifluoride) (Rusch et al., 1986; Hoffman and Rusch, 1982). This essentially represents a no-effect level for irritation for an acute exposure. Lacrimation was also reported in some rats exposed to 2 mg/m^3 for 6 hours/day, 5 days/week for 13 weeks, but the observation did not occur until week 10, which is even less relevant to an acute exposure scenario. A total uncertainty factor of 10 was applied. Because the AEGL-1 is based upon essentially a no-effect level for an acute exposure

scenario, an interspecies uncertainty factor of 3 was applied. An intraspecies uncertainty factor of 3 was applied based upon the following reasoning. At higher exposure levels boron trifluoride is an irritant, while at lower levels of exposure it is a renal toxicant. In both cases, the dose response curve is very steep. An example of the steepness of the dose-response curve is seen in the Rusch et al. (1986) study, in which all animals died from renal toxicity as a result of five, 6-hour exposures at 180 mg/m^3, while none even showed signs of renal effects following 10 exposures at 66mg/m^3. Also, none of the animals that died from the exposures at 180 mg/m^3 showed signs of pulmonary irritation even though this exposure was only 16th of the LC_{50} and was for a longer daily duration of 6 hours compared to 4 hours. For these reasons, it was judged that an intra-species uncertainty factor of 3 would protect even the sensitive members of the exposed population. The derived value was set equal to all AEGL time points because the endpoint is a no-effect level for an irritant.

The key study chosen for derivation of the AEGL-2 is the Rusch et al. (1986) study in which five male and five female rats were exposed to 180 mg/m^3 of boron trifluoride for 6 hours/day for 5 days (exposures were to liquid aerosols of boron trifluoride dihydrate; concentrations reported are based on boron trifluoride). Although all rats died from renal toxicity at the end of 5 days of exposure, the only signs observed after 1 day of exposure were those of irritation. It is possible that there may have been some renal toxicity as a consequence of the first day of exposure. The AEGL-2 value was developed by dividing the 180 mg/m^3 exposure level by 2 as a modifying factor since no pathology was conducted after the first exposure; therefore, renal effects could not be characterized or quantified. The resulting value of 90 mg/m^3 is divided by a total uncertainty factor of 10:3 for intraspecies and 3 for interspecies. This provides a starting value of 9 mg/m^3 for a 6-hour exposure. An interspecies uncertainty factor of 3 was used because no effects were seen in rats exposed to 66 mg/m^3 for 6 hours/day for 10 days (Rusch et al., 1986); 1 dog exposed to boron trifluoride at 1,380–2,760 mg/m^3 for 2 hours exhibited only breathing sounds and on necropsy visible signs of irritation to the respiratory tract (DuPont Company, 1948); another group of 2 rats, exposed to 2,760 mg/m^3 for 1 hour exhibited similar necropsy signs (DuPont Company, 1948); and while 1/10 mice died when exposed to 2,100 mg/m^3 for 5.5 hours, none died or even lost body weight when exposed to 350 mg/m^3 for 5.5 hours (Stokinger and Spiegl, 1953). An intraspecies uncertainty factor of 3 was chosen based on the same reasoning provided for the AEGL-1: The dose-response curve was steep for boron trifluoride's actions as both an irritant and renal toxicant. The AEGL-2 starting value of 9 mg/m^3 is in between the 6 hours/day, 5 days/week, 13-week exposure to 17 mg/m^3, which resulted in irritation in rats and renal toxicity in 2/40 rats (one of the rats died of renal toxicity at week 12), and the 6 hours/day, 5 days/week, 13-week exposure to 6 mg/m^3 which resulted only in minimal irritation (lacrimation starting at week 2) (Rusch et al., 1986; Hoffman and Rusch, 1982).

The AEGL-3 derivation is based upon a 4-hour LC_{01} value of 736 mg/m^3 calculated using rat mortality data from Rusch et al. (1986) (exposures were to liquid aerosols of boron trifluoride dihydrate; concentrations reported are based on boron trifluoride). Although other LC_{50} values were available (1-hour LC_{50}s of 1,000 and 1,100 mg/m^3 in rats [Vernot et al, 1977]; 2-hour LC_{50} of 3,460 mg/m^3 in mice [Kasparova and Kirii, 1972], and 4-hour LC_{50} of 109 mg/m^3 in guinea pigs [Stokinger and Spiegl, 1953]), the Rusch et al. (1986) rat study was chosen for the AEGL-3 derivation because it was the best characterized study and the actual exposure concentrations of boron trifluoride were measured. An interspecies uncertainty factor of 10 was applied because the LC_{50} values indicated variability among species in their sensitivity to boron trifluoride. An intraspecies uncertainty factor of 3 was chosen based on the same reasoning provided for the AEGL-1 and AEGL-2: The dose-response curve was steep for boron trifluoride's actions as both an irritant and renal toxicant.

Experimentally derived exposure values are scaled to AEGL time frames using the concentration-time relationship given by the equation $C^n \times t = k$, where C = concentration, t = time, k is a constant, and n generally ranges from 1 to 3.5 (ten Berge, 1986). The value of n could not be empirically derived due to the inadequate data. Therefore, the default value of n = 1 was used for extrapolating from shorter to longer exposure periods and a value of n = 3 was used to extrapolate from longer to shorter exposure periods for the AEGL-2 and AEGL-3. The 10-minute value was set equal to the 30-minute value for the AEGL-2 and AEGL-3 because it is not considered appropriate to extrapolate from a 6-hour or 4-hour exposure duration, respectively, to a 10-minute exposure duration.

The calculated values are listed in Table 4 below:

AEGL values are given in terms of mg/m^3 because exposures were to liquid aerosols of boron trifluoride dihydrate and boron trifluoride gas becomes an aerosol upon contact with moisture in the air.

TABLE 4.—SUMMARY OF PROPOSED AEGL VALUES FOR BORON TRIFLUORIDE (MG/M^3)

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	0.60 mg/m^3	0.60 mg/m^3	0.60 mg/m^3	0.60 mg/m^3	0.60 mg/m^3	Value representing a no-effect level for irritancy following an acute exposure; exposures were to 6 mg/m^3 for 6 hour/day, 5 day/week, for 13 week (Rusch et al., 1986; Hoffman and Rusch, 1982a)
AEGL-2 (Disabling)	21 mg/m^3	21 mg/m^3	16 mg/m^3	10 mg/m^3	6.8 mg/m^3	Signs of irritation and renal toxicity (resulting in death) following exposure to 180 mg/m^3 for 6 hour/day for 5 days (Rusch et al., 1986; Hoffman and Rusch, 1982b)

TABLE 4.—SUMMARY OF PROPOSED AEGL VALUES FOR BORON TRIFLUORIDE (MG/M^3)—Continued

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-3 (Lethal)	49 mg/m^3	49 mg/m^3	39 mg/m^3	25 mg/m^3	12 mg/m^3	Calculated 4-hour LC_{01} in male and female rats of 736 mg/m^3; based upon analytical concentrations (Rusch et al., 1986; Hoffman, 1981)

ii. *References*. a. DuPont Company. 1948. Toxicity of boron trifluoride (BF_3). Unpublished Haskell Laboratory Report No. 13–48. April 15, 1948. E.I. duPont de Nemours & Co., Newark, DE 19714.

b. Hoffman, G.M. and Rusch, G.M. 1982a. A 13-week inhalation toxicity study of boron trifluoride dihydrate in the rat. Unpublished Report No. MA-40-80-7. September 28, 1983. Allied Corporation, Department of Toxicology, Morristown, NJ 07960.

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e. Stokinger, H.E. and Spiegl, C.J. 1953. Part A. Inhalation-toxicity studies of boron halide and certain fluorinated hydrocarbons. Voegtlin, C. and Hodge, H.C. (eds). *Pharmacology and Toxicology of Uranium Compounds*. New York: McGraw-Hill Book Co., Inc. pp. 2291–2311.

f. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

g. Torkelson, T.R., Sadek, S.E., and Rowe, V.K. 1961. The toxicity of boron trifluoride when inhaled by laboratory animals. *American Industrial Hygiene Association Journal*. 22: 263–270.

h. Vernot, E.H.; MacEwen, J.D.; Haun, C.C.; and Kinkead, E.R. 1977. Acute toxicity and skin corrosion data for some organic and inorganic compounds and aqueous solutions. *Toxicology and Applied Pharmacology*. 42:417–423.

4. *Chlorine*—i. *Description*. Chlorine (CAS No. 7782–50–5) is a greenish-yellow, highly reactive halogen gas with a pungent, suffocating odor. The vapor is heavier than air and will form a cloud in the vicinity of a spill. Like other halogens, chlorine does not occur in the elemental state in nature; it rapidly combines with both inorganic and organic substances. Chlorine is used in the manufacture of a wide variety of chemicals, as a bleaching agent in industry and household products, and as a biocide in water and waste treatment plants.

Chlorine is an irritant to the eyes and respiratory tract; reaction with moist surfaces produces hydrochloric and hypochlorous acids. Its irritant properties have been studied in human volunteers and its acute inhalation toxicity has been studied in several laboratory animal species. The data from the human and laboratory animal studies were sufficient for development of three AEGLs for 5-time periods (i.e., 10 and 30 minutes and 1, 4, and 8 hours). Regression analysis of human data on nuisance irritation responses (itching or burning of the eyes, nose, or throat) for exposure durations of 30–120 minutes and during exposures to 0–2 ppm of chlorine determined that the relationship between concentration and time is approximately $C^2 \times t = k$ (ten Berge and Vis van Heemst, 1983).

The AEGL-1 was based on the observation that exposure of adult human volunteers, including an atopic individual with allergic rhinitis, to 0.5 ppm for 4 hours produced no sensory irritation but did result in transient changes in some pulmonary function parameters for the atopic individual (Rotman et al., 1983). Because both sexes were tested, subjects were undergoing light exercise during exposures on a treadmill or step test that increased the heart rate to 100 beats/minute, making them more vulnerable to sensory irritation, and an exercising susceptible individual did not exhibit adverse effects, no uncertainty factor to account for differences in human sensitivity was applied. The intraspecies uncertainty factor of 1 is supported by another study in which a concentration of 0.4 ppm for 1 hour was a no-effect concentration for changes in pulmonary function parameters in individuals with airway hyperreactivity/asthma (D'Alessandro et al., 1996). Chlorine is a highly irritating and corrosive gas that reacts directly with the tissues of the respiratory tract with no pharmacokinetic component involved in toxicity; therefore, effects are not expected to vary greatly among other susceptible populations. Because the 0.5 ppm concentration appeared to be a threshold concentration for more severe effects in susceptible individuals, regardless of the exposure duration, the 0.5 ppm concentration was applied across all AEGL-1 exposure durations. The 0.5 ppm concentration was considered appropriate for the 8-hour AEGL-1 because effects were not increased in the susceptible individual following a second 4-hour exposure on the same day.

The AEGL-2 values were based on the same study in which healthy human subjects experienced some sensory irritation and transient changes in pulmonary function measurements and a susceptible individual experienced an asthmatic-like attack (shortness of breath and wheezing) at a concentration of 1 ppm after 4 hours of exposure (Rotman et al., 1983). The susceptible individual remained in the exposure chamber for the full 4 hours before the symptoms occurred. Because both sexes were tested, subjects were undergoing light exercise during the exposures, making them more vulnerable to sensory irritation, and an exercising susceptible individual exhibited effects consistent with the definition of the AEGL-2, no uncertainty factor to account for differences in human sensitivity was applied. The intraspecies uncertainty factor of 1 is supported by another study in which a concentration of 1.0 ppm for 1 hour resulted in significant changes in pulmonary function parameters for all five tested individuals who had a history of airway hyperreactivity/asthma; two of the five subjects experienced undefined respiratory symptoms following exposure (D'Alessandro et al., 1996). Chlorine is a highly irritating and corrosive gas that reacts directly with the tissues of the respiratory tract with no pharmacokinetic component involved in toxicity; therefore, effects are not expected to vary greatly among other susceptible populations. Time-scaling was considered appropriate for the AEGL-2 as the AEGL-2 is defined as the threshold for irreversible effects which in the case of irritants generally involves tissue damage. Although the endpoint used in this case, wheezing and a significant increase in airways resistance, may be below the AEGL-2

definition, it is assumed that some biomarkers of tissue irritation would be present in the airways and lungs. The 4-hour 1 ppm concentration was scaled to the other time periods using the $C^2 \times t = k$ relationship. The scaling factor was based on regression analyses of concentrations and exposure durations that attained nuisance levels of irritation in human subjects. The 10-minute value was set equal to the 30-minute value in order to not exceed the highest exposure of 4.0 ppm in controlled human studies.

In the absence of human data, the AEGL-3 values were based on animal lethality data. The mouse was not chosen as an appropriate model for lethality because mice often showed delayed deaths which several authors attributed to bronchopneumonia. Because the mouse was shown to be more sensitive than other mammals (dog and rat) to irritant gases including chlorine and does not provide an appropriate basis for quantitatively predicting mortality in humans, a value below that resulting in no deaths in the rat (213 and 322 ppm in two studies) and above that resulting in no deaths in the mouse (150 ppm) for a period of 1 hour was chosen (MacEwen and Vernot, 1972; Zwart and Woutersen, 1988). The AEGL-3 values were derived from a 1-hour concentration of 200 ppm. This value was divided by a total uncertainty factor of 10:3 to extrapolate from rats to humans (interspecies values for the same endpoint differed by a factor of approximately 2 within each of several studies), and by an uncertainty factor of 3 to account for differences in human sensitivity. The susceptibility of asthmatics relative to healthy subjects when considering lethality is unknown, but the data from two studies with human subjects showed that doubling a no-effect concentration for irritation and bronchial constriction resulted in potentially serious effects in the asthmatics but not in the normal individuals. Time-scaling was considered appropriate for the AEGL-3 because tissue damage is involved (data in animal studies clearly indicate that time-scaling is appropriate when lung damage is involved). The AEGL-3 values for the other exposure times were calculated based on the $C^2 \times t = k$ relationship which was derived based on the endpoint of irritation from a study with humans.

The calculated values are listed in Table 5 below:

TABLE 5.—SUMMARY OF PROPOSED AEGL VALUES FOR CHLORINE [PPM (MG/M^3)]

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1[a] (Nondisabling)	0.50 (1.5)	0.50 (1.5)	0.50 (1.5)	0.50 (1.5)	0.50[b] (1.5)	No to slight changes in pulmonary function parameters in humans (Rotman et al., 1983; D'Alessandro et al., 1996)
AEGL-2 (Disabling)	2.8 (8.1)	2.8 (8.1)	2.0 (5.8)	1.0 (2.9)	0.70 (2.0)	Asthmatic-like attack in human subjects (Rotman et al., 1983; D'Alessandro et al., 1996)
AEGL-3 (Lethal)	50 (145)	28 (81)	20 (58)	10 (29)	7.1 (21)	Lethality—rat (MacEwen and Vernot, 1972; Zwart and Woutersen, 1988)

[a] The distinctive, pungent odor of chlorine will be noticeable to most individuals at these concentrations.
[b] Because effects were not increased following an interrupted 8-hour exposure of anatopic individual to 0.5 ppm, the 8-hour AEGL-1 was set equal to 0.5 ppm.

ii. *References*. a. D'Alessandro, A.; Kuschner, W.; Wong, H.; Boushey, H.A.; and Blanc, P.D. 1996. Exaggerated responses to chlorine inhalation among persons with nonspecific airway hyperreactivity. *Chest*. 109:331–337.

b. MacEwen, J.D. and Vernot, E.H. 1972. Toxic Hazards Research Unit Annual Technical Report. 1972. AMRL-TR-72-62, Aerospace Medical Research Laboratory, Wright-Patterson Air Force Base, OH. National Technical Information Service, Springfield, VA.

c. Rotman, H.H.; Fliegelman, M.J.; Moore, T.; Smith, R.G.; Anglen, D.M.; Kowalski, C.J.; and Weg, J.G. 1983. Effects of low concentration of chlorine on pulmonary function in humans. *Journal of Applied Physiology*. 54:1120–1124.

d. ten Berge, W.F. and Vis van Heemst, M. 1983. Validity and accuracy of a commonly used toxicity-assessment model in risk analysis. IChemE Symposium Series No. 80:17–21.

e. Zwart, A. and Woutersen, R.A. 1988. Acute inhalation toxicity of chlorine in rats and mice: time-concentration-mortality relationships and effects on respiration. *Journal of Hazardous Materials*. 19:195–208.

5. *Uranium hexafluoride*—i. *Description.* Uranium hexafluoride (CAS No. 7783–81–5) is a volatile solid. It is one of the most highly soluble industrial uranium compounds and, when airborne, hydrolyzes rapidly on contact with moisture to form hydrofluoric acid (HF) and uranyl fluoride (UO_2F_2) as follows:

$$UF_6 + 2H_2O \rightarrow UO_2F_2 + 4HF$$

Thus, an inhalation exposure to uranium hexafluoride is actually an inhalation exposure to a mixture of both fluorides. Pulmonary irritation, corrosion, or edema may occur from the hydrofluoric acid component and/or renal injury may be observed from the uranium component. As concentration is decreased and duration is increased, the effects of hydrogen fluoride are reduced, and the effects of the uranium component may be increased (Spiegel, 1949).

In the absence of relevant chemical-specific data for derivation of AEGL-1 values for uranium hexafluoride, a modification of the AEGL-1 values for hydrogen fluoride was used to derive AEGL-1 values for uranium hexafluoride. The use of hydrogen fluoride as a surrogate for uranium hexafluoride was deemed appropriate since it is likely that it is the hydrolysis product, HF, that is responsible for adverse effects. The hydrogen fluoride AEGL-1 values were based on the threshold for pulmonary inflammation in healthy human adults (Lund et al., 1999). Since a maximum of four moles of hydrogen fluoride are produced for every mole of uranium hexafluoride hydrolyzed, a stoichiometric adjustment factor of 4 was applied to the hydrogen fluoride AEGL-1 values to approximate AEGL-1 values for uranium hexafluoride. AEGL-1 values were derived only for the 10-minute, 30-minute, and 1-hour time points since it is likely that renal toxicity may be more relevant at the longer time points and no data exist for renal toxicity consistent with the definition of AEGL-1.

The AEGL-2 was based on renal pathology in dogs exposed to 192 mg/m^3 UF_6 for 30 minutes (Morrow et al., 1982). An uncertainty factor of 3 was used to extrapolate from animals to humans, and an uncertainty factor of 3 was also applied to account for sensitive individuals (total uncertainty factor = 10). This total uncertainty factor is considered sufficient since the observed renal pathology is generally considered reversible and thus this effect may be below the definition of AEGL-2. Furthermore, the use of a larger total uncertainty factor would yield AEGL-2 values below or approaching the AEGL-1 values. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by C^n x t = k, where the exponent, n, ranges from 0.8 to 3.5 (ten Berge et al., 1986). To obtain conservative and protective AEGL values in the absence of an empirically derived chemical-specific scaling exponent, temporal scaling was performed using n = 3 when extrapolating to shorter time points and n = 1 when extrapolating to longer time points using the C^n x t = k equation. (Although a chemical-specific exponent of 0.66 was derived from rat lethality data in which the endpoint was pulmonary edema, the default values were utilized for time-scaling AEGL-2 values since the endpoints for AEGL-2 (renal toxicity) and death (pulmonary edema) involve different mechanisms of action).

The AEGL-3 was based on an estimated 1-hour threshold for death in rats ($_{13}$ LC_{50} of 365 mg/m^3) (Leach et al, 1984). This approach is considered appropriate due to the steepness of the concentration-response curve for lethality in rats after exposure to UF_6. An uncertainty factor of 3 was used to extrapolate from animals to humans; the interspecies uncertainty factor of 3 is considered sufficient since the cause of death (pulmonary edema) is due to the hydrogen fluoride hydrolysis product, and lethality studies of hydrogen fluoride suggest that the rat was approximately 3-times less sensitive than the most sensitive (hypersusceptible) species (mouse) (EPA, 2001). An uncertainty factor of 3 was also applied to account for sensitive individuals since death is due to severe tissue damage resulting in pulmonary edema from the HF hydrolysis product (total uncertainty factor = 10). Furthermore, the total uncertainty factor of 10 is considered sufficient in light of the steep concentration-response curve. The value was then scaled to the 10-minute, 30-minute, 4-hour, and 8-hour time points, using $C^{0.66}$ x t = k. The exponent of 0.66 was derived from rat lethality data ranging from 2 minutes to 1 hour exposure duration in the key study.

The calculated values are listed in Table 6 below:

TABLE 6.—SUMMARY OF PROPOSED AEGL VALUES FOR URANIUM HEXAFLUORIDE (MG/M^3)

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	3.6 mg/m^3	3.6 mg/m^3	3.6 mg/m^3	NR	NR	Modification of hydrogen fluoride AEGL-1 values (EPA, 2001)
AEGL-2 (Disabling)	28 mg/m^3	19 mg/m^3	9.6 mg/m^3	2.4 mg/m^3	1.2 mg/m^3	Renal tubular pathology in dogs (Morrow et al., 1982)
AEGL-3 (Lethality)	550 mg/m^3	100 mg/m^3	36 mg/m^3	4.4 mg/m^3	1.6 mg/m^3	Estimated 1-hour NOEL for death in the rat (Leach et al., 1984)

ii. *References*. a. Leach, L.J.; Gelein, R.M.; Panner, B.J.; Yulie, C.L.; Cox, C. C.; Balys, M.M.; and Rolchigo, P.M. 1984. Acute Toxicity of the Hydrolysis Products of Uranium Hexafluoride (UF_6) when Inhaled by the Rat and Guinea Pig. Final Report. (K/SUB/81-9039/3). University of Rochester Medical Center, Rochester, NY.

b. Lund, K.; Refsnes, M.; Sandstrom, T.; Sostrand, P.; Schwarze, P.; Boe, J.; and Kongerud, J. 1999. Increased CD3 positive cells in bronchoalveolar lavage fluid after hydrogen fluoride inhalation. *Scandinavian Journal of Work, Environment, and Health*. 25:326–334.

c. Morrow, P.; Gelein, R.; Beiter, H.; Scott, J.; Picano, J.; and Yulie, C. 1982. Inhalation and intravenous studies of UF_6 and UO_2F_2 in dogs. *Health Physics*. 43:859–873.

d. Spiegel, C.J. 1949. Uranium Hexafluoride. *Pharmacology and Toxicology of Uranium Compounds*. New York: McGraw-Hill Book Company, Inc. pp. 532–548

e. ten Berge, W.F.; Zwart, A.; and Appelman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

f. EPA. 2001. Acute exposure guideline levels for hydrogen fluoride. (Interim Draft 2:7/2001).

6. *Chlorine dioxide*—i. *Description*. Chlorine dioxide (CAS No. 10049–04–4) is a yellow to reddish-yellow gas at room temperature. It has an unpleasant odor, similar to the odor of chlorine and reminiscent of nitric acid. It is a respiratory irritant. Pure chlorine dioxide is stable in the dark and unstable in light. Chlorine dioxide dissociates in water into chlorite and chloride, and to a lesser extent into chlorate. The major use of chloride dioxide is that of a drinking water disinfectant. Other uses include the bleaching of textiles, paper pulp, flour, cellulose, leather, fats, oils, and beeswax; taste and odor control of water; an oxidizing agent; and the manufacture of chlorite salts. The acute inhalation data base for chlorine dioxide is quite sparse for both human and animal exposures.

The AEGL-1 was based on slight salivation, slight lacrimation, and slight red-ocular discharge in rats exposed to 3 ppm chlorine dioxide for 6 hours (DuPont, 1955). A total combined uncertainty factor of 10 was applied to account for interspecies and intraspecies variability, and a modifying factor of two was applied to account for the sparse data base and the resulting uncertainty about the most sensitive species. Thus, the total uncertainty/modifying factor is 20. Chlorine dioxide is a highly reactive chemical. The clinical signs of minor irritation are likely caused by a direct chemical effect on external tissue. This minor irritation is not likely to vary greatly among species or among individuals. The AEGL-1 value was held constant across all time points since minor irritation is not likely to be time dependent.

The AEGL-2 was based on lacrimation, salivation, dyspnea, weakness, and pallor in rats exposed to

12 ppm chlorine dioxide for 6 hours (DuPont, 1955). A total combined uncertainty factor of 10 was applied to account for interspecies and intraspecies variability, and a modifying factor of 2 was applied to account for the sparse data base and the resulting uncertainty about the most sensitive species. Thus, the total uncertainty/modifying factor is 20. This total adjustment factor of 20 is reasonable since the derived 4 hour AEGL-2 value is 0.69 ppm yet rats repeatedly exposed to 3 ppm chlorine dioxide (Dupont, 1955), 6 hours/day for 10 days showed only minor irritation (slight salivation, slight lacrimation, and slight red-ocular discharge on the first day of the study). Even allowing for differences in response between species and individuals, this comparison indicates that the derived AEGL-2 values are reasonable and the threshold for disabling susceptible humans should be above this level. The use of a higher combined uncertainty factor/modifying factor of 200 would give a 4 hour AEGL value of 0.069 ppm yet when rats were exposed to 0.1 ppm of chlorine dioxide for 5 hours/day for 10 weeks, no clinical signs were observed during treatment and at necropsy (Dalhamn, 1957). This comparison shows that a combined uncertainty/modifying factor of 200 is excessively large. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by C^n x t = k, where the exponent, n, ranges from 0.8 to 3.5 (ten Berge et al., 1986). To obtain conservative and protective AEGL values in the absence of an empirically derived chemical-specific scaling exponent, temporal scaling was performed using n = 3 when extrapolating to shorter time points (30-minutes, 1-hour, and 4-hours) and n = 1 (8-hours) when extrapolating to longer time points using the C^n x t = k equation. The 30-minute AEGL-2 value was also adopted as the 10-minute AEGL-2 value due to the added uncertainty of extrapolating from a 6-hour time point to 10-minutes.

The AEGL-3 was based on a study showing no deaths in rats exposed to 26 ppm chlorine dioxide for 6 hours (DuPont, 1955). A total combined uncertainty factor of 10 was applied to account for interspecies and intraspecies variability, and a modifying factor of 2 was applied to account for the sparse data base and the resulting uncertainty about the most sensitive species. Thus, the total uncertainty/modifying factor is 20. The total factor of 20 is considered adequate. Using a larger combined uncertainty/modifying factor of 200 would give a 4 hour AEGL-3 value of 0.15 ppm. The value of 0.15 ppm is too low, because rats exposed to 0.1 ppm of chlorine dioxide for 5 hours/day for 10 weeks showed no clinical signs during treatment or at necropsy (Dalhamn, 1957). This comparison shows that a combined uncertainty/modifying factor of 200 is excessively large. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by C^n x t = k, where the exponent, n, ranges from 0.8 to 3.5 (ten Berge et al., 1986). To obtain conservative and protective AEGL values in the absence of an empirically derived chemical-specific scaling exponent, temporal scaling was performed using n = 3 when extrapolating to shorter time points (30-minutes, 1-hour, and 4-hours) and n = 1 (8-hours) when extrapolating to longer time points using the C^n x t = k equation. The 30-minute AEGL-3 value was also adopted as the 10-minute AEGL-3 value due to the added uncertainty of extrapolating from a 6-hour time point to 10-minutes.

The calculated values are listed in Table 7 below:

TABLE 7.—SUMMARY OF PROPOSED AEGL VALUES FOR CHLORINE DIOXIDE [PPM (MG/M^3)]

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	0.15 (0.41)	0.15 (0.41)	0.15 (0.41)	0.15 (0.41)	0.15 (0.41)	Slight salivation, slight lacrimation, and slight red-ocular discharge in rats exposed to 3 ppm for 6 hours (DuPont, 1955)
AEGL-2 (Disabling)	1.4 (3.9)	1.4 (3.9)	1.1 (3.0)	0.69 (1.9)	0.45 (1.2)	Lacrimation, salivation, dyspnea, weakness, and pallor in rats exposed to 12 ppm for 6 hours (DuPont, 1955)
AEGL-3 (Lethal)	3.0 (8.3)	3.0 (8.3)	2.4 (6.6)	1.5 (4.1)	0.98 (2.7)	No lethality in rats exposed to 26 ppm for 6 hour (DuPont, 1955)

ii. *References*. a. Dalhamn, T. 1957. Chlorine Dioxide: Toxicity in animal experiments and industrial risks. *Archives of Industrial Health*. 15:101–107.

b. DuPont. 1955. Summary of Toxicological Evaluations of Chlorine Dioxide. Haskell Laboratory for Toxicology and Industrial Medicine. Haskell Lab Report No. 80-55. E.I. du Pont de Nemours and Company, Inc. Wilmington, DE.

c. ten Berge, W.F.; Zwart, A.; and Appleman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapors and gases. *Journal of Hazardous Materials*. 13:301–310.

7. and 8. *Methyl nonafluorobutyl ether and Methyl nonafluoroisobutyl ether*—i. *Description*. HFE-7100 is a mixture of methyl nonafluorobutyl (CAS No. 163702–07–6) and methyl nonafluoroisobutyl (CAS No. 163702–08–7) ethers in ratios of 30–50 and 50–70%, respectively. This mixture has been developed as a replacement for presently used chlorofluorocarbons and other ozone-depleting chemicals. It is used in industrial situations as a cleaning agent, lubricant carrier, drying agent, specialty solvent, and heat-transfer medium. It is a volatile liquid with a slight ethereal odor. No information on production was located.

Except for a single monitoring study conducted by 3M Company and reported by AIHA (1999) in which exposures were noted to be below 50 ppm, no information on human exposures was located. Animal data using the rat as the model addressed anesthetic properties, toxicity, neurotoxicity, and genotoxicity. A study with the beagle addressed cardiac

sensitization. HFE-7100 is practically nontoxic; it does not have anesthetic properties and is not a cardiac sensitizer. No information useful for time-scaling across the AEGL exposure durations was available.

The AEGL-1 value is based on a subchronic study with the rat (Coombs et al., 1996b). In this study, rats were exposed to concentrations up to 15,159 ppm for 6 hours/day, 5 days/week for 13 weeks. This concentration was not neurotoxic. Only reversible organ weight increases were observed and these were attributed to the repeated nature of the exposure. Because the concentration was basically a NOAEL, the exposures were repeated, and uptake is greater in the rodent than in primates, based on the higher respiratory rate and cardiac output of rodents compared with primates, an interspecies uncertainty factor of 1 was applied. Studies addressing neurotoxicity and cardiac sensitization and studies with pregnant rats failed to identify significant toxicological endpoints. Therefore, an intraspecies uncertainty factor of 3 was applied. Because human data are very limited and because some of the key studies used limited numbers of animals, a modifying factor of 2 was applied. The resultant value is 2,500 ppm. Time-scaling may not be relevant for anesthetics and halogenated hydrocarbons as blood concentrations of these chemicals rapidly reach equilibrium and do not greatly increase as exposure duration is increased. The presence of the perfluoro group of HFE-7100 limits its solubility in biological fluids. Furthermore, the repeated nature of the exposures of the key study support the use of the same value across all time points. Therefore, the 2,500 ppm concentration is applicable for all AEGL-1 time points.

The AEGL-2 value is based on a 10-minute cardiac sensitization test with beagles (Kenny et al., 1996) and is supported by a 4-week repeat exposure study with the rat (Coombs et al., 1996a). Six male beagles exposed to 48,900 ppm for 10 minutes and challenged with an adrenaline dose of 1–12 μg/kilogram (kg) (individualized for each dog) did not show cardiac sensitization. However, all of the beagles exhibited signs of restlessness, agitation, tremors, and muscle rigidity. These signs were described following the second challenge, but may have been present pre-challenge. All beagles recovered fully and were used for subsequent studies. The cardiac sensitization test is very conservative as the levels of adrenaline administered represent an approximate 10-fold excess over blood concentrations that would be achieved endogenously in dogs or humans, even in highly stressful situations. Because this is a conservative endpoint (the dogs exhibited clinical signs but fully recovered), the test addresses the stress that might be experienced in an escape situation, and the dog heart is considered an appropriate model for the human heart, an interspecies uncertainty factor of 1 was applied. Heart patients would not be at extra risk because HFE-7100 is not a cardiac sensitizer and studies with pregnant rats failed to identify significant toxicological endpoints. Therefore, an intraspecies uncertainty factor of 3 was applied to protect potentially susceptible individuals. Because human data are very limited and because some of the key studies used limited numbers of animals, a modifying factor of 2 was applied. The resulting value is 8,200 ppm. Time-scaling may not be relevant for anesthetics and halogenated hydrocarbons as blood concentrations of these chemicals rapidly reach equilibrium and do not greatly increase as exposure duration is increased. Furthermore the presence of the perfluoro group of HFE-7100 limits its solubility in biological fluids. Therefore, the 8,200 ppm concentration is applicable for all AEGL-2 time points. The values are supported by a study in which rats were exposed to concentrations up to 30,000 ppm for 6 hours/day, 5 days/week for 4 weeks. These rats exhibited reversible liver hypertrophy which is attributable to the repeated nature of the exposures (Coombs et al., 1996a). The repeated nature of this study supports using a single value across the AEGL-2 time points.

The AEGL-3 value is based on the same cardiac sensitization study with beagles (Kenny et al., 1996) and is supported by an acute inhalation study with the rat (3M Company, 1995). Prior to the second challenge dose of adrenaline during a cardiac sensitization test, one of two dogs exposed to 89,300 ppm for 10 minutes exhibited severe clinical signs including restlessness, cold extremities, limb rigidity, head and whole-body tremors, head shaking, arched back, agitation, and salivation. The second dog survived the second challenge dose of adrenaline but exhibited similar adverse clinical signs. The cardiac sensitization test is very conservative as the levels of adrenaline administered represent an approximate 10-fold excess over blood concentrations that would be achieved endogenously in dogs or humans, even in highly stressful situations. Because this is a conservative endpoint (the dogs exhibited clinical signs but fully recovered), the test addresses the stress that might be experienced in an escape situation, and the dog heart is considered an appropriate model for the human heart, an interspecies uncertainty factor of 1 was applied. Heart patients would not be at extra risk because HFE-7100 is not a cardiac sensitizer and studies with pregnant rats failed to identify significant toxicological endpoints. Therefore, an intraspecies uncertainty factor of 3 was applied to protect potentially susceptible individuals. Because human data are very limited and because some of the key studies used limited numbers of animals, a modifying factor of 2 was applied. Time-scaling may not be relevant for anesthetics and halogenated hydrocarbons as blood concentrations of these chemicals rapidly reach equilibrium and do not greatly increase as exposure duration is increased. Therefore, the resulting 15,000 ppm concentration is applicable for all AEGL-3 time points. The 89,300 ppm concentration may be a conservative estimate of the threshold for lethality as rats survived a 4-hour exposure to 100,000 ppm (3M Company, 1995).

The calculated values are listed in Table 8 below:

TABLE 8.—SUMMARY OF PROPOSED AEGL VALUES FOR HFE-7100 [PPM (MG/M^3]

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	2,500 (25,550)	2,500 (25,550)	2,500 (25,550)	2,500 (25,550)	2,500 (25,550)	Reversible organ weight changes, repeated exposures, rat (Coombs et al., 1996b)

TABLE 8.—SUMMARY OF PROPOSED AEGL VALUES FOR HFE-7100 [PPM (MG/M^3]—Continued

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-2 (Disabling)	8,200 (84,000)	8,200 (84,000)	8,200 (84,000)	8,200 (84,000)	8,200 (84,000)	Clinical signs, cardiac sensitization test, dog (Kenny et al., 1996)
AEGL-3 (Lethal)	15,000 (150,000)	15,000 (150,000)	15,000 (150,000)	15,000 (150,000)	15,000 (150,000)	Severe clinical signs, cardiac sensitization test, dog (Kenney et al., 1996)

ii. *References*. a. 3M Company. 1995. Acute inhalation toxicity for HFE-7100 in the rat. Memo, 3M Company, Toxicology Services. 3M Center, St. Paul, MN.

b. AIHA. 1999. Workplace Environmental Exposure Levels: HFE-7100. American Industrial Hygiene Association, Fairfax, VA.

c. Coombs, D.W.; Shepherd, C.K.; Bannerman, M.; Hardy, C.J.; Crook, D.; Hall, M.; Hughes, E.W.; and Gopinath, C. 1996a. T-6334: 28-Day repeat dose inhalation toxicity study in rats. MIN 181/952688. Huntingdon Life Sciences, Huntingdon, Cambridgeshire, England.

d. Coombs, D.W.; Shepherd, C.K.; Bannerman, M.; Hardy, C.J.; Crook, D.; Hall, M.; and Healey, G.F. 1996b. T-6334: 13-Week repeat dose inhalation toxicity study in rats. MIN 196/961181. Huntingdon Life Sciences, Huntingdon, Cambridgeshire, England.

e. Kenny, T.J.; Shepherd, C.K.; Bannerman, M.; Hardy, C.J.; and Gilkison, I.S. 1996. T-6334: Assessment of cardiac sensitization potential in dogs. MIN 182/953117. Huntingdon Life Sciences, Limited.

IV. Next Steps

The NAC/AEGL Committee plans to publish ''Proposed'' AEGL values for five-exposure periods for other chemicals on the priority list of 85 in groups of approximately 10 to 20 chemicals in future **Federal Register** notices during the calendar year 2002.

The NAC/AEGL Committee will review and consider all public comments received on this notice, with revisions to the ''Proposed'' AEGL values as appropriate. The resulting AEGL values will be established as ''Interim'' AEGLs and will be forwarded to the National Research Council, National Academy of Sciences (NRC/NAS), for review and comment. The ''Final'' AEGLs will be published under the auspices of the NRC/NAS following concurrence on the values and the scientific rationale used in their development.

List of Subjects

Environmental protection, Acute exposure guideline levels, Hazardous substances.

Dated: February 1, 2002.

Susan B. Hazen,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–3774 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7146–3]

42 U.S.C. 122(l), Proposed Administrative Agreement for Collection of CERCLA Response and Oversight Costs

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed CERCLA 122(h) Administrative Agreement.

SUMMARY: USEPA is proposing to execute an Administrative Agreement (Agreement) under Section 122 of CERCLA for collection of a percentage of response and oversight costs at the Chippewa Avenue Area Groundwater Contamination Superfund Site. The Respondent has agreed to pay $65,000 out of total unrecovered response and oversight costs of approximately $695,582,81, and in return will receive a covenant not to sue and contribution protection from USEPA. USEPA today is proposing to execute this Agreement because the settlement, in combination with $1,000,000 received for the Site pursuant to an April 15, 1993, settlement of a USEPA claim in the LTV Steel bankruptcy proceedings, achieves collection of approximately 63% of total Site costs.

DATES: Comments on this proposed settlement must be received on or before March 18, 2001.

ADDRESSES: Copies of the proposed settlement are available at the following address for review: (It is recommended that you telephone Fouad Dababneh at (312) 353–3944 before visiting the Region V Office). Fouad Dababneh, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, (SR–6J), Chicago, Illinois 60604–3590, (312) 353–3944.

Comments on this proposed settlement should be addressed to: (Please submit an original and three copies, if possible) Fouad Dababneh, U.S. Environmental Protection Agency, Region V, 77 W Jackson Boulevard, (SR–6J), Chicago, Illinois 60604–3590, (312) 353–3944.

FOR FURTHER INFORMATION CONTACT: Fouad Dababneh at (312) 353–3944.

SUPPLEMENTARY INFORMATION: The Chippewa Site is an approximately four square mile area centered on the intersection of Chippewa and Main streets in South Bend, Indiana. Located within the Chippewa Avenue Area Groundwater contamination Site are the Rum Village and South Well Field municipal drinking water supply wells. In 1997, the City of South Bend and the Indiana Department of Environmental Management (IDEM) requested EPA assistance in investigating dissolved solvents contamination in the South and Rum Village well fields. Accordingly, in response to the release or threatened release of hazardous substances at or from the Site, EPA undertook response actions at the Site pursuant to Section 104 of CERCLA, 42 U.S.C. 9604.

In October 1997, Region 5 initiated a groundwater investigation to identify the types and concentrations of groundwater contaminants in the vicinity of the South Well Field. Data from the groundwater investigation was intended to be used in the design of an interim treatment system for the South Well Field. In 1998, however, IDEM entered into an agreement with certain parties, including The Toro Corporation, for installation of an air stripper treatment system for the two well fields. The air stripper system has since been installed. As a result, Region 5 does not expect to incur additional costs for the Site.

As a part of an April 15, 1993, bankruptcy settlement with LTV Steel, AM General (a subsidiary of LTV Steel)

agreed to pay $1,000,000 into the Superfund in exchange for the United States' agreement not to object to AM General's liquidation plan on the basis that the plan failed to provide for remediation of the AM General facility in South Bend, Indiana. The AM General facility is within the Chippewa Avenue Area Groundwater Contamination Site and so EPA placed the LTV Steel bankruptcy funds into a special account for this site.

Total EPA costs through June 30, 2001 are $1,695,582.81. Of that amount, $1,000,000 has been offset against a special account for the Site leaving a balance of $695,582.81.

A 30-day period, beginning on the date of publication, is open pursuant to section 122(I) of CERCLA for comments on the proposed Administrative Agreement. Comments should be sent to Fouad Dababneh (SR–6J), U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, Illinois 60604–3590.

William E. Muno,

Director, Superfund Division.

[FR Doc. 02–3768 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

January 24, 2002.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's 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.

DATES: Written comments should be submitted on or before March 18, 2002. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *lesmith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0496.

Title: The ARMIS Operating Data Report.

Form Number: FCC Report 43–08.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 50.

Estimated Time per Response: 160 hours.

Frequency of Response: Recordkeeping; Annual reporting requirements.

Total Annual Burden: 8,000 hours.

Total Annual Costs: None.

Needs and Uses: Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220, (the ''Act''), allows the FCC, at its discretion, to prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, memoranda of the movement of traffic, and the receipts and expenditures of monies. The FCC may, under 47 section 219(b) of the Act, require carriers to file annual reports concerning any matters with respect to which the Commission is authorized or required by law to act. 47 CFR section 43.21 of the Commission's rules detail that requirement. ARMIS facilitates the timely and efficient analysis of revenue requirements, rates of return, and price caps; provides an improved basis for audits and other oversight functions; and enhances the FCC's ability to quantify the effects of alternative policies. The ARMIS 43–08 Report collects network operating data in a consistent, detailed format; monitors network growth, usage, and reliability; and thus enables the FCC to fulfill its regulatory responsibilities.

OMB Control Number: 3060–0763.

Title: The ARMIS Customer Satisfaction Report.

Form Number: FCC Report 43–06.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 8.

Estimated Time per Response: 720 hours.

Frequency of Response: Annual reporting requirements.

Total Annual Burden: 5,760 hours.

Total Annual Costs: None.

Needs and Uses: Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220, allows the FCC, at its discretion, to prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, and memoranda of the movement of traffic, and the receipts and expenditures of monies. 47 U.S.C. 219(b) of the Act authorizes the FCC to require carriers subject to this Act to file annual reports concerning any matters with respect to which the FCC is authorized or required by law to act. 47 CFR section 43.21 of the Commission's rules detail that requirement. ARMIS facilitates the timely and efficient analysis of revenue requirements, rates of return, and price caps; provides an improved basis for audits and other oversight functions; and enhances the FCC's ability to quantify the effects of alternative policies. The Customer Satisfaction Report is compiled from surveys conducted by individual carriers on their customers. The ARMIS 43–06 Report enables the Commission to fulfill its regulatory responsibilities.

OMB Control Number: 3060–0800.

Title: FCC Wireless Telecommunications Bureau Application for Assignment of Authorization and Transfers of Control.

Form Number: FCC 603.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; Individuals or households; and State, local, or tribal government.

Number of Respondents: 32,151.

Estimated Time per Response: 0.5 to 1.75 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 36,171 hours.

Total Annual Costs: $7,073,395.

Needs and Uses: Applicants and/or licensees in the Public Mobile Services, Personal Communication Services, Private Land Mobile Services, Broadcast Auxiliary Services, Fixed Microwave

Services, Maritime Services (excluding ships), and Aviation Services (excluding aircraft) use FCC Form 603 to apply for approval of assignment or transfer of control of licenses in the Wireless Radio Services. Various technical schedules are required with Form 603 when applying for Auctioned Services, Partitioning and Disaggregation, Undefined Geographical Area Partitioning, and Notification of Consummation or Request for Extension of Time for Consummation. The FCC uses this form to obtain information necessary to identify the parties to a proposed assignment or transfer, to establish the parties' basic eligibility and qualifications, to classify the filing, and to determine the nature of the proposed service. This form is also used to notify the Commission of consummated assignments and transfers of wireless licenses to which the Commission has previously consented but for which notification but not prior consent is required. Form 603 will replace FCC Forms 490, 702, 703, 704, and 1046, which, following an initial transition period, will become obsolete.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 02–3695 Filed 2–14–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Network Reliability and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons of the first meeting of the Network Reliability and Interoperability Council (Council) under its charter renewed as of December 26, 2001. The meeting will be held at the Federal Communications Commission in Washington, DC.

DATES: Monday, March 22, 2002 at 10 a.m. to 1 p.m.

ADDRESSES: Federal Communications Commission, 445 12th St. SW, Room TW–C305, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp at 202–418–1096 or TTY 202–418–2989.

SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to bring together leaders of the telecommunications industry and telecommunications experts from academic, consumer and other organizations to explore and recommend measures that would enhance network reliability.

The Council will discuss the modifications that have been made to the Council's charter and how those modifications should be addressed, and any additional issues that may come before it. The amended charter is attached to this document.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. Admittance, however, will be limited to the seating available. The public may submit written comments before the meeting to Jeffery Goldthorp, the Commission's Designated Federal Officer for the Network Reliability and Interoperability Council, by email (*jgoldtho@FCC.GOV*) or U.S. mail (7–A325, 445 12th St. SW, Washington, DC 20554). Real Audio and streaming video Access to the meeting will be available at *http://www.fcc.gov/*

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Charter of the Network Reliability and Interoperability Council

A. The Committee's Official Designation

The official designation of the advisory committee will be the ''Network Reliability and Interoperability Council.''

B. The Committee's Objective and Scope of Its Activity

The purposes of the Committee are to give telecommunications industry leaders the opportunity to provide recommendations to the FCC and to the industry that, if implemented, would under all reasonably foreseeable circumstances assure optimal reliability and interoperability of wireless, wireline, satellite, and cable public telecommunications networks. This includes facilitating the reliability, robustness, security, and interoperability of public telecommunications networks. The scope encompasses recommendations that would ensure the security and sustainability of public telecommunications networks throughout the United States; ensure the availability of adequate public telecommunications capacity during events or periods of exceptional stress due to natural disaster, terrorist attacks or similar occurrences; and facilitating the rapid restoration of telecommunications services in the event of widespread or major disruptions in the provision of telecommunications services. The Committee will address topics in the following areas:

1. Homeland Security

(A) *Prevention.* The Committee will assess vulnerabilities in the public telecommunications networks and the Internet and determine how best to address those vulnerabilities to prevent disruptions that would otherwise result from terrorist activities, natural disasters, or similar types of occurrences.

(1) In this regard, the Committee will conduct a survey of current practices by wireless, wireline, satellite, and cable telecommunications services providers and Internet service providers that address the Homeland Defense concerns articulated above.

(2) By December 31, 2002 the Committee will issue a report identifying areas for attention and describing best practices, with checklists, that should be followed to prevent disruptions of public telecommunications services and the Internet from terrorist activities, natural disasters, or similar types of occurrences.

(B) *Restoration.* The Committee will report on current disaster recovery mechanisms, techniques, and best practices and develop any additional best practices, mechanisms, and techniques that are necessary, or desirable, to more effectively restore telecommunications services and Internet services disruptions arising from terrorist activities, natural disasters, or similar types of occurrences.

(1) The Committee will report on the viability of any past or present mutual aid agreements and develop, and report on, any additional perspectives that may be appropriate to facilitate effective telecommunications services restorations. The Committee will issue this report within six (6) months after its first meeting.

(2) The Committee will issue a report containing best practices recommendations, and recommended mechanisms and techniques (including checklists), for disaster recovery and service restoration. The Committee will issue this report within twelve (12) months of its first meeting.

(3) The Committee will prepare and institute mechanisms for maintaining and distributing contact information for telecommunications industry personnel who are, or may be, essential to effective telecommunications service and

Internet restoration efforts within six (6) months of the first meeting of the Committee.

(C) *Public Safety.* The Committee will explore and report on such actions as may be necessary or desirable to ensure that commercial telecommunications services networks (including wireless, wireline, satellite, and cable public telecommunications networks) can meet the special needs of public safety emergency communications, including means to prioritize, as appropriate, public safety usage of commercial services during emergencies.

2. Network Reliability

(A) The Committee will prepare and provide recommended requirements for network reliability and network reliability measurements for wireline, wireless, satellite, and cable public telecommunications networks, and for reliability measurements for the Internet, for reporting within twelve (12) months of the Committee's first meeting.

(B) The Committee will evaluate, and report on, the reliability of public telecommunications network services in the United States, including the reliability of router, packet, and circuit-switched networks.

(C) During the charter of a previous Committee, interested participants recommended that the FCC adopt a voluntary reporting program in conjunction with the National Communications System, to gather outage data for those telecommunications and information service providers not currently required to report outages to the Commission, and voluntary reporting was initiated. The Committee shall: (i) analyze the data obtained from the voluntary trial; and (ii) report on the efficacy of that process and the information obtained therefrom.

(D) Should the Commission initiate an inquiry or rulemaking with respect to any of the above-mentioned issues, the Committee will make formal recommendations as a part of such proceeding(s).

3. Network Interoperability

The Committee will prepare analyses and, where appropriate, make recommendations for improving interoperability among networks to achieve the objectives that are contained in Section 256 of the Telecommunications Act of 1996, with particular emphasis on ensuring ''the ability of users and information providers to seamlessly and transparently transmit and receive information between and across telecommunications networks.''

4. Broadband Deployment

The Committee will make recommendations concerning the need for technical standards to ensure the compatibility and deployment of broadband technologies and services, and will evaluate the need for improvements in the reliability of broadband technologies and services.

5. Other Topics

(A) The Committee will make recommendations with respect to such additional topics as the Commission may specify. These topics may include requests for recommendations and technical advice on interoperability issues that may arise from convergence and digital packet networks, and how the Commission may best fulfill its responsibilities, particularly with respect to national defense and safety of life and property (including law enforcement) under the Communications Act.

(B) The Committee will assemble data and other information, perform analyses, and provide recommendations and advice to the Federal Communications Commission and the telecommunications industry concerning the foregoing.

C. Period of Time Necessary for the Committee To Carry Out Its Purpose

The Committee will require two years to carry out the purposes for which it has created.

D. Official to Whom the Committee Reports

The Committee will report to the Chairman, Federal Communications Commission.

E. Agency Responsible for Providing Necessary Support

The Federal Communications Commission will provide the necessary support for the Committee, including the facilities needed for the conduct of the meetings of the committee. Private sector members of the committee will serve without any government compensation and will not be entitled to travel expenses or per diem or subsistence allowances.

F. Description of the Duties for Which the Committee Is Responsible

The duties of the Committee will be to gather the data and information necessary to prepare studies, reports, and recommendations for assuring optimal network reliability and restoration of damaged, or impaired, telecommunications services within the parameters set forth in Section B, above. The Committee will also monitor future developments to ensure that network interoperability and network reliability are not at risk.

G. Estimated Annual Operating Costs in Dollars and Staff Years

Estimated staff years that will be expended by the Committee are three (3) for the FCC staff and 12 for private sector and other governmental representatives. The estimated annual cost to the FCC of operating the committee is $200,000.

H. Estimated Number and Frequency of Committee Meetings

The Committee will meet at least two times per year. Informal subcommittees may meet more frequently to facilitate the work of the Committee.

I. Committee's Termination Date

The Committee will terminate January 6, 2004.

J. Date Original Charter Filed

January 6, 1992.

[FR Doc. 02–3696 Filed 2–14–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 02–270]

Mass Media Bureau; Filing Window for Certain Pending Requests for New NTSC Television Stations on Channels 52–59

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces a filing window opportunity to allow applicants with certain pending requests for new analog (NTSC) television stations on channels 52–59 to modify their requests.

DATES: The filing window opened January 22, 2002 and closes March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Shaun Maher of the Video Services Division, Mass Media Bureau at (202) 418–2324 or Gordon Godfrey of the Policy and Rules Division Mass Media Bureau at 418–2193.

SUPPLEMENTARY INFORMATION: Commencing January 22, 2002, and continuing to and including March 8, 2002, there will be a filing window for certain pending requests for new analog (NTSC) television stations on channels 52–59 to modify their requests. The purpose of this Public Notice is to set forth the filing procedures for this

window. This window is available for applicants having applications pending for new NTSC stations on channels 52–59. It is also available for these and other parties with pending applications for new NTSC stations on other channels that have previously filed petitions for rule making for a replacement channel on channels 52–59. These proposals can be modified in one of two ways: (1) To provide analog or digital television (DTV) service in the core television spectrum, *i.e.,* channels 2–51 or (2) to provide DTV service on any available channel in the 698–740 MHz band, *i.e.,* channels 52–58. For these applicants, as applicable, all application amendments, petitions for rule making and amendments to petitions for rule making seeking a new channel must be filed during this window. The Commission will thereafter dismiss all remaining applications for new NTSC stations on channels 52–59 and petitions from applicants that continue to request replacement NTSC allotments on channels 52–59.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 02–3724 Filed 2–14–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1402–DR]

Kansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA–1402–DR), dated February 6, 2002, and related determinations.

EFFECTIVE DATE: February 6, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 6, 2002, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Kansas, resulting from a severe winter ice storm on January 29, 2002, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance, including direct Federal assistance, in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Carlos Mitchell of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Kansas to have been affected adversely by this declared major disaster:

Allen, Anderson, Barber, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Comanche, Cowley, Crawford, Douglas, Elk, Franklin, Greenwood, Harper, Jefferson, Johnson, Kingman, Kiowa, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Pratt, Sedgwick, Shawnee, Sumner, Wilson, Woodson, and Wyandotte Counties for Individual Assistance.

Johnson and Wyandotte Counties for Public Assistance, including direct Federal assistance, at 75 percent Federal funding.

All counties within the State of Kansas are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–3733 Filed 2–14–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1403–DR]

Missouri; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–1403–DR), dated February 6, 2002, and related determinations.

EFFECTIVE DATE: February 6, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 6, 2002, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Missouri, resulting from a severe winter ice storm on January 29, 2002, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Missouri.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a),

Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint William Lokey of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Missouri to have been affected adversely by this declared major disaster:

Adair, Audrain, Bates, Benton, Boone, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Grundy, Henry, Howard, Jackson, Johnson, Lafayette, Linn, Livingston, Macon, Monroe, Morgan, Pettis, Platte, Randolph, Ray, Saline, Shelby, St. Clair, Sullivan, and Vernon Counties for Individual Assistance.

Bates, Carroll, Cass, Clay, Howard, Jackson, Johnson, Lafayette, Linn, Pettis, Platte, Randolph, Ray and Saline Counties for Public Assistance.

All counties within the State of Missouri are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Joe M. Allbaugh,

Director.

[FR Doc. 02–3734 Filed 2–14–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1401–DR]

Oklahoma; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma, (FEMA–1401–DR), dated February 1, 2002, and related determinations.

EFFECTIVE DATE: February 7, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery and Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include Individual Assistance for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 1, 2002:

Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kay, Kingfisher, Logan, Major, Noble, Oklahoma, Osage, Pawnee, Payne, Roger Mills, Texas, Washington, Washita, Woods, and Woodward Counties for Individual Assistance (already designated for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance at 75 percent Federal funding under Public Assistance).

Cleveland, Comanche, Creek, Garvin, Grady, Greer, Harmon, Jackson, Kiowa, Lincoln, McClain, Nowata, Pottawatomie, Rogers, Stephens, Tillman, and Tulsa Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–3731 Filed 2–14–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1401–DR]

Oklahoma; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma, (FEMA–1401–DR), dated February 1, 2002, and related determinations.

EFFECTIVE DATE: February 7, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery and Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include Categories C through G under Public Assistance for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 1, 2002:

Canadian, Garfield, Kingfisher, Osage, and Washita Counties for Categories C through G under Public Assistance (already designated for debris removal and emergency protective measures (Categories A and B), including direct Federal Assistance at 75 percent Federal funding under Public Assistance) and Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–3732 Filed 2–14–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc.76-1979) published on page 1979 of the issue for Tuesday, January 15, 2002.

Under the Federal Reserve Bank of Boston heading, the entry for James J. Mawn, Gloucester, Massachusetts, is revised to read as follows:

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

2. James J. Mawn, Gloucester, Massachusetts, Rita M. Mawn, Naples, Florida, Rita M. Barger, Manlius, New York, Sheila E. Carpenter, San Antonio, Texas, James J. Mawn, Jr., Charlestown, Massachusetts, Alicia J. Mawn-Mahlau and Sam A. Mawn-Mahlau, both of Winchester, Massachusetts, Louise S. McDonough, and Mary E. Negri, both of Woburn, Massachusetts, Mary Catherine Riley, Princeton, New Jersey, Marilyn C.

Mawn, Boston, Massachusetts, and the Mawn Family Limited Partnership, Woburn, Massachusetts (James J. Mawn, Jr. and Marilyn C. Mawn, general partners), acting in concert to acquire voting shares of Northern Bancorp, Inc., Woburn, Massachusetts, and thereby indirectly acquire Northern Bank and Trust Company, Woburn, Massachusetts.

Comments on this application must be received by March 1, 2002.

Board of Governors of the Federal Reserve System, February 11, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–3700 Filed 2–14–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 1, 2002.

A. Federal Reserve Bank of Cleveland (Stephen J. Ong, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. First Financial Bancorp, Hamilton, Ohio; to engage *de novo* through First Financial Capital Advisors, LLC, Hamilton, Ohio, in providing investment advisory services to open-end investment companies (mutual funds), pursuant to section 225.28(b)(6)(i) and providing a range of administrative and related services to mutual funds, see Bankers Trust New York Corporation, 83 Federal Reserve Bulletin 780 (1997).

Board of Governors of the Federal Reserve System, February 11, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–3699 Filed 2–14–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of December 11, 2001

In accordance with § 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on December 11, 2001.[1]

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. To further its long-run objectives, the Committee in the immediate future seeks conditions in reserve markets consistent with reducing the federal funds rate to an average of around 1¾ percent.

By order of the Federal Open Market Committee, February 6, 2002.

Donald L. Kohn,

Secretary, Federal Open Market Committee.

[FR Doc. 02–3749 Filed 2–14–02; 8:45 am]

BILLING CODE 6210–01–S

[1] Copies of the Minutes of the Federal Open Market Committee meeting on December 11, 2001, which includes the domestic policy directive issued at the meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

GENERAL ACCOUNTING OFFICE

Advisory Council on Government Auditing Standards.

AGENCY: General Accounting Office.

ACTION: Notice of document availability.

SUMMARY: On January 31, 2002, the U.S. General Accounting Office (GAO), on the recommendation of the Advisory Council on Government Auditing Standards, issued an exposure draft of proposed revisions to Government Auditing Standards (also known as the Yellow Book) (GAO–02–340G). The changes propose revision throughout the entire set of standards except for the second general standard, independence, which was revised separately. The proposed revisions fall into three categories: GAGAS framework, consistent application of the standards where applicable to the various types of audits, and strengthening or streamlining the standards.

DATES: Comments are accepted through April 30, 2002.

ADDRESSES: A copy of the exposure draft can be obtained on the Internet on GAO's Home Page (*www.gao.gov/govaud/ybk01.htm*). Additional copies of these proposed revisions can be obtained from the U.S. General Accounting Office, Room 1100, 700 4th Street, NW., Washington, DC 20548, or by calling (202) 512–6000.

FOR FURTHER INFORMATION CONTACT: Marcia Buchanan, Assistant Director, Government Auditing Standards, 202–512–9321.

SUPPLEMENTARY INFORMATION: Since GAO is still experiencing delays in mail delivery, it would be preferable if you sent your comments via e-mail to *yellowbook@gao.gov.* To ensure that your comments are considered by the Advisory Council in their deliberations, please submit them by April 30, 2002. If you need to use the mail, it would be helpful if you sent your comments both in writing and on diskette (in Word or ASCII format). Please sent any mail to the following address: Government Auditing Standards Comments, U.S. General Accounting Office, Room 5X16 (FMA), 441 G Street, NW., Washington, DC 20548. (31 U.S.C. 7501–7507)

Marcia B. Buchanan,

Assistant Director, Financial Management and Assurance.

[FR Doc. 02–3728 Filed 2–14–02; 8:45 am]

BILLING CODE 1610–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS).

Time and Date:

February 26, 2002—9 a.m.–6:00 p.m.

February 27, 2002—10 a.m.–3:30 p.m.

Place: Hubert H. Humphrey Building, Room 705A, 200 Independence Avenue SW., Washington, DC 20201.

Status: Open.

Purpose: At this meeting the Committee will hear presentations and hold discussions on several health data policy topics. On the first day the full Committee will be briefed by HHS staff on number of topics including an update on activities of the HHS Data Council; Department responses to recent reports and recommendations from the Committee; and the status of implementation of the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) including the status of privacy and data standards regulations. The Committee will hear presentations on Public Health Preparedness and the National Health Information Infrastructure from a panel of speakers, and a second panel of speakers will present on the Public Key Infrastructure. The Committee will also review drafts of written materials including its 5th annual report to Congress on the implementation of HIPAA administrative simplification provisions. There will be Subcommittee breakout sessions late in the afternoon of the first day and prior to the full Committee meeting on the second day. On the second day the Committee will hear from the Director of the National Center for Health Statistics on that agency's activities and will be briefed by the HHS Office for Human Research Protections on the mission and purpose of that Office. Later in the day the Committee will hear reports from the Subcommittees and Workgroups. Finally, the agendas for future NCVHS meetings will be discussed.

Notice: In the interest of security, HHS has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Persons without a government identification card may need to have the guard call for an escort to the meeting.

Contact Person for More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS website: *http://www.ncvhs.hhs.gov/,* where further information including an agenda will be posted when available.

Dated: February 8, 2002.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 02–3753 Filed 2–14–02; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–02–26]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to 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

Levels of Selected Drinking Water Disinfection By-products in Whole Blood after Showering: The Effect of Genetic Polymorphisms—NEW—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Chlorine is the most commonly used chemical for disinfecting U.S. water supplies; however, chlorine reacts with organic compounds in the water to produce halogenated hydrocarbon by-products. Exposure to these disinfection by-products (DBPs) has been associated with liver and bladder cancer in humans and is suspected of other adverse health outcomes. We recently completed a study of household exposure to one class of DBPs in tap water, trihalomethanes (THMs) (Backer *et al.,* 2000). We found an increase in whole blood levels of one class of (THMs) after people showered or bathed in tap water. We also found that the increases fell roughly into two groups; one group was clustered around a higher level, the other a lower level. It is possible that this clustering is the result of individual variations in physiological characteristics or it could be the result of differences in the ability to metabolize THMs.

Since several polymorphically expressed enzymes are linked to the metabolism of DBPs, these physiologic and genetic differences may be important in determining an individual's risk for cancer and other health risks associated with exposure to these compounds. We plan to measure the change in blood concentration of DBPs after showering. We will then examine the association between people with different enzyme variants and post-exposure blood THM levels. The study will be conducted in two parts. Part 1 will involve recruiting 250 volunteers who do not have a history of lung problems and who are willing to participate in all aspects of the study. These 250 will be asked to provide some demographic information. They will also provide a buccal cell sample that will be analyzed in order to find a pool of 100 volunteers who have the genetic polymorphisms of interest. Part 2 will involve the 100 study subjects giving three blood samples before and three blood samples after taking a shower. A urine sample will be collected and stored for future use in evaluating urine levels of haloacetic acids (HAAs), another important class of drinking water DBPs. Air and water samples will also be collected.

Subjects will complete a brief questionnaire in order to obtain personal information that might impact the dose of volatized DBPs they receive. This data will be analyzed to determine whether the physiologic and genetic differences among individuals result in differences in blood THM levels after similar exposure. There are no costs to respondents.

Respondents	Number of respondents	Number of responses respondent	Average burden/response (in hours)	Total burden (in hours)
Healthy, College-age adults	250	1	1	250

Respondents	Number of respondents	Number of responses respondent	Average burden/response (in hours)	Total burden (in hours)
Respondents with genetic variants of interest	110	1	2	220
Total				470

Dated: February 8, 2002.

Julie Fishman,

Acting Deputy Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–3729 Filed 2–14–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–02–27]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Process Evaluation of CDC's Youth Media Campaign—NEW—National Center For Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC)

In FY 2001, Congress established the Youth Media Campaign at the Centers for Disease Control and Prevention (CDC). Specifically, the House Appropriations Language said: *The Committee believes that, if we are to have a positive impact on the future health of the American population, we must change the behaviors of our children and young adults by reaching them with important health messages.* CDC, working in collaboration with the Health Resources and Services Administration (HRSA), the National Center for Child Health and Human Development (NICHD), and the Substance Abuse and Mental Health Services Administration (SAMHSA), is coordinating an effort to plan, implement, and evaluate a campaign designed to clearly communicate messages that will help kids develop habits that foster good health over a lifetime. The Campaign will be based on principles that have been shown to enhance success, including: designing messages based on research; testing messages with the intended audiences; involving young people in all aspects of Campaign planning and implementation; enlisting the involvement and support of parents and other influencers; tracking the Campaign's effectiveness and revising Campaign messages and strategies as needed.

For the Campaign to be successful, close monitoring of the implementation of the Campaign through process evaluation is essential. Campaign planners are interested in understanding how well and under what conditions the Campaign was implemented and the size of the audience that was exposed to the messages. This understanding will facilitate any strategy changes that may be necessary to increase the Campaign's effectiveness and sustainability.

The Youth Media Campaign will conduct process evaluation with convenience samples during community events in up to 15 communities nationwide, as well as through the Campaign Web site and listservs. This process evaluation may include, but is not limited to, gathering information from tweens, parents, other teen and adult influencers, community stakeholders, and partners through: in-person and follow-up telephone interviews; intercept interviews; panels or reoccurring focus groups; internet online surveys; and bounce-back Web surveys with users of Web site. Additionally, the Youth Media Campaign process evaluation will examine the implementation of Campaign strategies through community partners. Partner process evaluation methods include, but are not limited to, partner reporting logs, a partner listserv reporting system, partner surveys, and partner interviews.

The purpose of the process research is to determine to what extent the Youth Media Campaign was implemented as planned, the challenges that occurred and how they were addressed, in order to refine campaign strategies. Additionally, the process research will examine to what extent partnerships were formed and the effectiveness of the partnership activities.

Respondents	Number of respondents	Number of responses/ respondent	Average burden of response (in hours)	Total burden (in hours)
Tweens (ages 9–13)	20,000	1	15/60	5,000
Reoccurring tween panel(s)	30	4	2	240
Parents	10,000	1	15/60	2,500
Reoccurring parent panel(s)	30	4	2	240
Adult influencers	7,500	1	15/60	1,875
Older teen influencers	4,000	1	15/60	1,000
Community stakeholders	2,000	1	30/60	1,000

Respondents	Number of respondents	Number of responses/ respondent	Average burden of response (in hours)	Total burden (in hours)
Reoccurring community stakeholder panel(s)	40	2	2	160
Partners/alliances	2,000	6	3/60	6,000
Total				18,015

Dated: February 8, 2002.

Julie Fishman,

Acting Deputy Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–3730 Filed 2–14–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Application and Program Reporting Requirements for Children's Justice Act Grants.

OMB No.: 0980–0196.

Description: The Program Instruction, prepared in response to the Children's Justice Act and authorized by Title I of the Child Abuse Prevention and Treatment Act (CAPTA) (as amended) and in the process of reauthorization, provides direction to States and Territories to accomplish the purposes of assisting States in developing, establishing, and operating programs designed to improve: (1) The handling of child abuse and neglect cases, particularly child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim; (2) the handling of cases of suspected child abuse or neglect related fatalities; and (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation. This Program Instruction contains information collection requirements that are found in Public Law 104–235 at Sections 107(b), 107(d), and pursuant to receiving a grant award. The information being collected is required by statute to be submitted pursuant to receiving a grant award.

The information submitted will be used by the agency to ensure compliance with the statute; to monitor, evaluate, and measure grantee achievements in addressing the investigation and prosecution of child abuse and neglect; and to report to Congress.

Respondents: State Governments.

Annual Burden Estimates

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application	52	1	40	2080
Annual Performance Report	52	1	20	1040
Estimated total annual burden hours				3,120

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: February 6, 2002.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 02–3747 Filed 2–14–02; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4737–N–02]

Notice of Proposed Information Collection for Public Comment: Section 8 Random Digit Dialing Fair Market Rent Telephone Survey

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 16, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8228, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Marie Lihn, Economic and Market Analysis Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8222, Washington, DC 20410; telephone (202) 708–0590, extension 5866; e-mail *marie_1._lihn@hud.gov*. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Lihn.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban

Development will submit the proposed information collection package to OMB for review as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Section 8 Random Digit Dialing Fair Market Rent Telephone Survey. OMB Control Number: 2528–0142.

Description of the need for the information and proposed use: This provides HUD with a fast, inexpensive way to estimate and update Section 8 Fair Market Rents (FMRs) in areas not covered by AHS or CPI surveys, and in areas where FMRs are believed to be incorrect. It also provides estimates of annual rent changes. Section 8(C)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents (FMRs) annually to be effective on October 1 of each year. FMRs are used for the Section 8 Rental Certificate Program (including space rentals by owners of manufactured homes under that program); the Moderate Rehabilitation Single Room Occupancy program; housing assisted under the Loan Management and Property Disposition programs; payment standards for the Rental Voucher program; and any other programs whose regulations specify their use.

Random digit dialing (RDD) telephone surveys have been used for several years to adjust FMRs. These surveys are based on a sampling procedure that uses computers to select statistically random samples of telephone numbers to locate certain types of rental housing units for surveying. HUD contracts with a private company to conduct two types of RDD surveys: (1) Approximately 50 individual FMR areas are surveyed every year to test the accuracy of their FMRs; (2) In addition, 20 RDD surveys are conducted every year to provide updating factors for FMRs not surveyed individually and for Annual Adjustment Factors (AAFs). These surveys are conducted in the non-metropolitan portions of all 10 HUD regions, and in the 10 metropolitan portions that do not have their own Consumer Price Index (CPI) surveys.

Members of affected public: Individuals or households living in areas surveyed.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Type of survey	Number of phone calls made	Average minutes each	Minutes	Hours
TELEPHONE SURVEYS:				
Number who pick up phone but are screened out	416,970	1.16	484,942	8,082
Total interviewed (movers and stayers)	42,205	4.32	182,364	3,039
MAIL SURVEYS	3,984	5.00	19,920	332
Annual Total	463,159	.....	687,226	11,453

Status of the proposed information collection: Pending OMB approval.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; and Section 8(C)(1) of the United States Housing Act of 1937.

Dated: February 7, 2002.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development & Research.

[FR Doc. 02–3697 Filed 2–14–02; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4737–N–01]

Notice of Proposed Information Collection for Public Comment: HOME Investment Partnership Program Study: 2001–2003

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement concerning a project to obtain information on the HOME Investment Partnership Program Study 2001–2003 will be submitted to the Office of Management and Budget (OMB) for review as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 16, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Report Liaison Officer, Department of Housing and Urban Development, 451 7th Street, Room 8228, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Judson James, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8140, Washington, DC 20410, telephone number (202) 708–1336 extension 5707 (this is not a toll-free number). Copies of the proposed forms and other available documents may be obtained from Mr. James.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary to proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed

collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mail survey of HOME Investment Partnership Program administrators regarding homebuyer activities funded by the HOME Program.

Description of the need for the information and proposed use: The information to be collected is part of a larger study, conducted by Abt Associates Inc., of homebuyer programs funded with HUD's HOME block grant program. Since HOME is the principal HUD-funded program for supporting homebuyer assistance and homebuyer development programs, it is imperative that HUD understands the type of homebuyer programs being developed using HOME. All participating jurisdictions (PJS) will receive a mail survey designed to gather information about the key characteristics of homebuyer programs. The topics to be covered include: listing the individual homebuyer programs funded; general information on each of these programs; targeting eligibility for the programs; underwriting requirements; use of sub-recipients and contractors; counseling provided; marketing and outreach; program partners; use of direct assistance or development programs; and types of loan-level data available (but not about the loans themselves). The data will be used to develop a comprehensive database on HOME-funded homebuyer programs. This research is intended to help HUD better understand the characteristics of homebuyer programs funded by the HOME program. This understanding is crucial in: (a) Determining how and to what extent the HOME program is being used for homebuyer activities; and (b) informing policy development decisions regarding the HOME program. At present there is no systematic information on how HOME funds are used to support homebuyer activities. This survey will fill this gap.

Members of affected public: State and local administrators of the HOME program.

Estimation of the total number of hours needed to prepare the information collection, including the number of respondents, frequency of response, and hours of response:

Types of respondents	Number of respondents	Number of responses	Hours per respondent	Total burden hours
State and Local Program Administrators	595	1	1	595

Total Estimated Annual Burden Hours: 595 (one time).

Status of the proposed Information collection: Pending OMB approval.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 7, 2002.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 02–3698 Filed 2–14–02; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Initial Approved Information Collection, OMB Number 1018–_____, on Training Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: 30-Day Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service is announcing its intention to automate the collection of training applications and provide an optional alternative application specifically for the training conducted by the USFWS National Conservation Training Center. Applicants who wish to participate in training sponsored by the National Conservation Training Center (NCTC) fill out a training request nomination application offered in both hard copy and web registration format. Fish and Wildlife Service employees requesting non NCTC training or conference attendance complete the electronic SF–182 application via the Training Server Application. The USFWS currently utilizes the Office of Personnel Management, Standard Form 182 (Rev 12/79) which was designed with five or ten parts with carbon attachments and to be completed via type writer and is not kept electronically. The new form, which will be used by both Federal and non-Federal applicants is expected to take 3 to 12 minutes to fill out. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form.

We will submit the collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995. If you wish to obtain copies of the proposed information collection requirement, related forms, and explanatory material, contact the Collection Clearance Officer at the address listed below.

ADDRESSES: Interested parties should send comments and suggestions on specific requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Interior Desk Officer, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503 and they should send a copy of the comments to Rebecca Mullin, Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ; 4401 N. Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin, Collection Clearance Officer at 703–358–2287, or electronically to: *Rebecca_Mullin@fws.gov*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement the provisions of the Paperwork Reduction Act of 1995 (Public Law 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and record keeping activities (see 5 CFR 1320.8(d)). The U.S. Fish and Wildlife Service (We) has submitted a request to OMB to approve collection of information for the Service's training application form. We are requesting a 3-year approval for the information collection activity. Applicants who wish to participate in training sponsored by the National Conservation Training Center (NCTC) fill out a training request nomination application offered in both hard copy and web registration format. Fish and Wildlife Service employees requesting non NCTC training or conference attendance complete the

electronic SF–182 application via the Training Server Application.

The USFWS currently utilizes the Office of Personnel Management, Standard Form 182 (Rev 12/79) which was designed with five or ten parts with carbon attachments and to be completed via type writer and is not kept electronically. The new form, which will be used by federal and non-federal applicants is expected to take 3 to 12 minutes to fill out.

We invite comments concerning this information collection on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden, (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. The information collections in this program are part of a system of record covered by the Privacy Act (5 U.S.C. 552a).

Federal agencies 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 information collection requirements in this submission implement the regulatory requirements of the Statute Title 5 U.S.C. Chapter 41, Section 5 CFR part 410, and 231 FW1 Training Management Policy and Responsibilities. The burden listed below applies only to non-Federal applicants who use the new form.

OMB Control Number: 1018–_____.

Service Form Number: FWS Form 3–2193.

Frequency of Collection: As training enrollment dictates.

Description of Respondents: All affiliations of persons who wish to participate in training given at or sponsored by the USFWS National Conservation Training Center. These are generally natural conservation related affiliates such as Service employees, Department of the Interior employees, other Federal employees such as EPA, DOD biologists, OPM, state agency personnel, private, not-for-profit agencies such as The Conservation Fund, and university personnel. Only non-Federal applicants and their burden are listed below.

Total Annual Burden Hours: 61.35.

Total Annual Responses: 1227 (non-federal).

Total Annual Non-Hour Cost Burden: $0.

Dated: February 6, 2002.

Rebecca A. Mullin,

Information Collection Officer, U.S. Fish and Wildlife Service.

[FR Doc. 02–3609 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

Applicant: Field Museum of Natural History, Chicago, IL, PRT–052418.

The applicant requests a permit to import biological samples from Diademed sifaka (*Propithecus diadema*), Brown lemur (*Eulemur fulvus*), and Red-bellied lemur (*Eulemur rubriventer*) collected in the wild in Madagascar, for scientific research.

Applicant: Mesa Garden, Belen, NM, PRT–678845.

The applicant requests the addition of star cactus, *Astrophytum* (=*Echinocactus*) *asterias* to their interstate and foreign commerce permit, and the renewal of their permit for the following cactus species: Tobusch fishhook, *Anicistocactus tobuschi* (syn. *Sclerocactus brevihamatus*); Nellie's cory, *Coryphantha* (=*Escobaria*) *minima*; bunched cory, *Coryphantha ramillosa*; Cochise pincushion, *Corypanthia*(=*Coshiseia* =*Escobaria*) *robbinsorum*; Lee pincushion, *Corypantha* (=*Escobaria* =*Mammillaria*) *sneedii* var. *leei*; Sneed pincushion *Corypantha* (=*Escobaria*=*Mammilaria*) *sneedii* var. *sneedii*; Chisos Mountain hedgehog, *Echinocereus chinoensis* (=*reichenbachii*) var. *chisoensis*; Kuenzler hedgehog, *Echinocereus fendleri* var. *kuenzleri*; Lloyd's hedgehog, *Echinocereus lloydii* (= *E. roetteri* var. l.); black lace, *Echinocereus reichenbachii* var. *albertii*; Arizona hedgehog, *Echinocereus triglochidiatus* var. *arizonicus*; Davis green pitaya, *Echinocereus viridiflorus* var. *davisii*; Lloyd's mariposa, *Neolloydia mariposensis*; Brady's pincushion, *Pediocactus bradyi*; San Rafael, *Pediocactus dispainii*; Knowlton's, *Pediocactus knowltonii*; Peebles Navajo, *Pediocactus peeblesianus* var. *peeblesianus*; Siler pincushion, *Pediocactus sileri*; Uinta Basin hookless, *Sclerocactus glaucus*; Mesa Verde, *Sclerocactus mesae-verdae*; and Wright's fishhook, *Sclerocactus wrightiae* for the purpose of enhancement of the species through captive propagation. This notification covers activities conducted by the applicant for a period of five years.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: February 1, 2002.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–3706 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Final Environmental Impact Statement (EIS) on the Icicle Creek Restoration Project

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Final Environmental Impact Statement (EIS) on the proposed Icicle Creek Restoration Project is available. Preparation of the Record of Decision will begin no sooner than 30 days from this notice.

ADDRESSES: Questions should be addressed to Ms. Corky Broaddus, Supervisory Information and Education Specialist, U. S. Fish and Wildlife Service, Leavenworth National Fish

Hatchery Complex, 12790 Hatchery Road, Leavenworth, WA 98826.

FOR FURTHER INFORMATION CONTACT: Greg Pratschner, Icicle Creek Restoration Project Leader, U.S. Fish and Wildlife Service, Leavenworth National Fish Hatchery Complex, 12790 Fish Hatchery Road, Leavenworth, Washington 98826, at (509) 548–7641.

Individuals wishing copies of this Final EIS for review should immediately contact the U.S. Fish and Wildlife Service, Leavenworth National Fish Hatchery Complex. Copies have been sent to all agencies and individuals who previously received copies and to all others who have already requested copies.

SUPPLEMENTARY INFORMATION:

Document Availability

Copies of the final Environmental Impact Statement are available at the following government offices and libraries:

Government Offices—Fish and Wildlife Service, Leavenworth National Fish Hatchery, 12790 Hatchery Road, Leavenworth, WA 98826, (509) 548–7641; Fish and Wildlife Service, Mid-Columbia River Fisheries Resource Office, 12790 Hatchery Road, Leavenworth, WA 98826, (509) 548–7573; Forest Service, Leavenworth Ranger District, 600 Sherbourne, Leavenworth, WA 98826, (509) 548–6977; Forest Service, Okanogan-Wenatchee National Forest, Supervisor's Office, 215 Melody Lane, Wenatchee, WA 98801, (509) 662–4335.

Libraries—Leavenworth Public Library, 700 Highway 2, Leavenworth, WA 98826, (509) 548–7923; Wenatchee Public Library, 310 Douglas, Wenatchee, WA 98801, (509) 662–5021; East Wenatchee Public Library, 271 Ninth Street Northeast, East Wenatchee, WA 98802, (509) 886–7404; Cashmere Public Library, 101 Woodring, Cashmere, WA 98815, (509) 782–3314.

A. Background

Pursuant to the National Environmental Policy Act (NEPA), the U.S. Fish and Wildlife Service (Service) prepared a Final Environmental Impact Statement evaluating the consequences of a proposed action to remove instream structures in Icicle Creek, a tributary of the Wenatchee River, near Leavenworth, Washington.

When the Leavenworth National Fish Hatchery (Hatchery) was built in 1939, the original Icicle Creek channel was modified into a series of salmon and steelhead holding ponds with the instream placement of weirs, dams, and a headgate, which controlled flow through the ponds. Fish passage to areas above the Hatchery was deliberately blocked. Flow in Icicle Creek was diverted downstream via a manmade canal bounded on the downstream end by a velocity barrier dam and spillway. The use of the instream ponds to hold returning salmon, and steelhead was abandoned in 1979, due to recurrent water temperature and water quality problems. Instead, the hatchery constructed a conventional fish ladder and holding ponds adjacent to the spillway dam. The ladder and holding ponds are currently in use.

On March 10, 1999, the Service published a Notice of Intent (NOI) to prepare an EIS in the **Federal Register**. The Purpose and Need were to provide long term, year-round, sustainable passage of native fish to habitat above the Leavenworth National Fish Hatchery, and provide riverine fish habitat through the Hatchery grounds.

Scoping activities were undertaken preparatory to developing a draft EIS in cooperation with the U.S. Forest Service. We proposed to provide improved riverine habitat within the hatchery grounds. Structure No. 2 (headgate) would be retained for its historic value and to provide control for high flows. A new fish passage structure would be constructed at Structure No. 2 to accommodate up and downstream, migrating fish. Sediment would be dredged out of the historic channel to reduce downstream transport. A seasonal fish barrier would be constructed at Structure No. 5, for collecting returning adult spring Chinook salmon and maintaining the effectiveness of the hatchery operations. These actions will be modified to accommodate upstream and downstream fish passage. Project impacts are expected to be the same as described in the June 2001 draft EIS.

B. Development of the Final EIS

The final EIS has been developed cooperatively by the U.S. Fish and Wildlife Service (lead agency) and the U.S. Forest Service. In the development of the final EIS, the Service has initiated action to assure compliance with the purpose and intent of the National Environmental Policy Act of 1969, as amended.

Key issues addressed in the final EIS are identified as the effects that implementation of various alternative would have upon (1) hatchery operations, (2) threatened and endangered species and their riverine habitat, (2) stream dynamics, (3) tribal fisheries, (4) water quality and sediment, (5) historic values, (6) wetlands, and other resource related issues.

C. Alternatives Analyzed in the Final EIS

More than 20 alternatives were considered before limiting the alternatives to be advanced for further study. Six alternatives advanced for detailed analyses include: (1) Alternative 1, The No Action Alternative in which none of the existing structures in the historic channel would be removed, and the channel would be managed as status quo, (2) Alternative 2, the Restoration Strategy Alternative, which was all possible actions proposed by other agencies, public interests groups, and neighbors for providing both fish passage and riverine habitat within the hatchery grounds, (3) Alternative 3, The Service's Proposed Action, and our Preferred Alternative, which recognizes concerns about stream dynamics, historic values, water quality, and the tribal issues, (4) Alternative 5 maintained current flow regimes to favor existing hatchery fish collection, and holding facilities, while maintaining existing wetlands, (5) Alternative 6 was developed to provide fish passage through the historic channel at least cost, by modifying the headgate and structure No. 5, and only flushing natural sediments, and (6) Alternative 7, which was driven by the concern of preserving the historic values of the original hatchery construction.

The Service has selected Alternative Number 3 as their preferred alternative with a slight modification. That modification is to employ natural flushing of accumulated sediments, rather than using mechanical dredging to remove those sediments. Impacts anticipated will be: Numbers of hatchery fish produced will be maintained; tribal fisheries will be maintained; all sediment will be transported through the Icicle Creek and Wenatchee River systems, to the Columbia, and Alternative 3, with modifications, will provide upstream and downstream passage for the fish.

Dated: February 8, 2002.

Anne Badgley,

Regional Director, Region 1, Portland, Oregon.

[FR Doc. 02–3610 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Technology Transfer Act of 1986

AGENCY: Geological Survey.

ACTION: Notice of proposed Cooperative Research & Development Agreement (CRADA) Negotiations.

SUMMARY: The United States Geological Survey (USGS) is contemplating entering into a Cooperative Research and Development Agreement (CRADA) with High Altitude Mapping Missions, Inc. for the purpose of testing and developing high altitude Large Area Mapping Technology.

Inquiries: If any other parties are interested in similar activities with the USGS, please contact Thomas Hildenbrand, USGS–MS 989, 345 Middlefield Rd., Menlo Park, CA 94025; phone (650) 329–5303.

SUPPLEMENTARY INFORMATION: This notice is submitted to meet the USGS policy requirements stipulated in Survey Manual Chapter 500.20.

Dated: February 5, 2002.

P. Patrick Leahy,

Associate Director for Geology.

[FR Doc. 02–3736 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Technology Transfer Act of 1986

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of Proposed Cooperative Research & Development Agreement (CRADA) Negotiations.

SUMMARY: The United States Geological Survey (USGS) is contemplating entering into a Cooperative Research and Development Agreement (CRADA) with Minerals Information Institute to develop interactive mineral educational materials for science teachers and students in grades K–12.

Inquiries: If any other parties are interested in similar activities with the USGS, please contact Joseph Gambogi, 12201 Sunrise Valley Drive, MS 983, Reston, VA 21092, phone: (703) 648–7718.

SUPPLEMENTARY INFORMATION: This notice is submitted to meet the USGS policy requirements stipulated in Survey Manual Chapter 500.20.

Dated: February 5, 2002.

P. Patrick Leahy,

Associate Director for Geology.

[FR Doc. 02–3735 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of renewal of a current approved information collection.

SUMMARY: This notice announces that the Bureau of Indian Affairs (BIA) in accordance with the Paperwork Reduction Act is soliciting comments on the Financial Assistance and Social Service program application forms in order to renew the Office of Management and Budget (OMB) clearance. This information collection request is cleared under OMB control number 1076–0017 and expires on June 20, 2002.

DATES: Written comments must be submitted on or before April 16, 2002.

ADDRESSES: Written comments or suggestion should be sent directly to Larry Blair, Office of Tribal Services, Bureau of Indian Affairs, Department of Interior, 1849 C Street, NW, MS–4603–MIB, Washington, DC 20240. Facsimile number (202) 208–2648.

FOR FURTHER INFORMATION CONTACT: Larry Blair, 202–208–2479.

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collected is necessary to be in compliance with 25 CFR part 20 and 25 U.S.C. 13. The information is used to make determinations of eligibility for the BIA's social service (financial assistance) programs: General Assistance, Child Welfare Assistance, Miscellaneous Assistance, and services only (no cash assistance).

The information is also used to insure uniformity of services, and assure the maintenance of current and accurate records for clear audit facilitating data. All information collected is retained in an individual case record and used for case management/case planning purposes. The BIA does not require an individual to maintain a record.

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.

II. Request for Comments

The Department of the Interior invites comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the BIA, including whether the information will have practical utility;

(b) The accuracy of the BIA estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

Burden means the total time, 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; to develop, acquire, install and utilize technology and systems for the purpose of collection, validating, and verifying information, processing and maintaining information, and disclosing and providing information, to search data sources to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection in Room 4651 of the Main Interior Building, 1849 C Street, NW, Washington, D.C. from 9:00 a.m. until 3:00 p.m., Monday through Friday, excluding legal holidays.

III. Data

Title of the collection of information: Department of the Interior, Bureau of Indian Affairs, Financial Assistance and Social Service Programs.

OMB Number: 1076–0017.

Expiration Date: June 30, 2002.

Type of Review: Extension of a currently approved collection. The information is submitted to obtain or retain benefits and for case management/case planning purposes.

Affected Entities: Individual members of Indian tribes who are living on or near a tribal service area.

Frequency of responses: One application per year.

Estimated Number of Annual Responses: 200,000.

Estimated Total Annual Burden Hours: 33,333 hours.

Dated: January 31, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3688 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–43–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–090–1990EX–02]

Notice of Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of a Final Supplemental Environmental Impact Statement (EIS) for Reclamation of the Zortman and Landusky Mines in Phillips County, Montana. This is a supplement to the 1996 Final EIS on Reclamation Plan Modifications and Mine Life Extensions at the Zortman and Landusky Mines. The Final Supplemental EIS addresses 12 reclamation alternatives, six for the Zortman Mine and six for the Landusky Mine. The BLM and Montana Department of Environmental Quality (DEQ) are co-lead agencies for the preparation of the Supplemental EIS. The Environmental Protection Agency and the Fort Belknap Indian Community Council are participating agencies.

DATES: A record of decision will be prepared no earlier than 30 days after the Notice of Receipt for the Final Supplemental EIS is published in the **Federal Register**.

ADDRESSES: Copies of the Final Supplemental EIS are available from the Bureau of Land Management, Malta Field Office, HC 65 Box 5000, Malta, Montana, 59538.

FOR FURTHER INFORMATION CONTACT: Scott Haight, 406–538–1930.

SUPPLEMENTARY INFORMATION: This EIS is a final supplement to the March 1996 Final EIS Zortman and Landusky Mines Reclamation Plan Modifications and Mine Life Extensions. With the bankruptcy of the mines' operator, Zortman Mining, Inc., the BLM and DEQ are overseeing reclamation at the mines. The Final Supplemental EIS has been prepared to analyze additional reclamation alternatives developed by the agencies that may constitute a substantial change from those presented in the 1996 Final EIS. The Final Supplemental EIS presents 12 reclamation plans, six for reclamation of the Zortman Mine and six for reclamation of the Landusky Mine. The reclamation plans were developed based upon public comments and through consultation with the Fort Belknap government and the Environmental Protection Agency. The Final Supplemental EIS discloses the environmental consequences of each alternative. Alternative Z6 is identified in the Final Supplemental EIS as the DEQ and BLM preferred reclamation alternative for the Zortman Mine, and Alternative L4 is identified as the preferred reclamation alternative for the Landusky Mine. Implementation of the preferred reclamation alternatives would cost approximately $22.5 million more than is available under the reclamation bonds and would require additional funding. Alternatives Z3 and L3 have also been identified as ''preferred,'' in the event funding to implement Alternatives Z6 and L4 is not forthcoming. Also, an additional $11 million is needed to fund long-term water treatment regardless of which reclamation alternative is selected.

(Authority: Sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332))

Dated: January 4, 2002.

Bruce W. Reed,

Field Manager, Bureau of Land Management.

[FR Doc. 02–3690 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–02–5101–ER–F331; N–75493, N–75471, N–75472, N–75474, N–75475, N–75476, N–75477]

Environmental Statements; Notice of Intent: Ivanpah Energy Center, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent (NOI) to (1) announce a proposed Environmental Impact Statement (EIS) for the Ivanpah Energy Center Project; and (2) announce the locations, dates, and times of the scheduled public meetings for obtaining public comments.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, an EIS will be prepared by the Bureau of Land Management (BLM), Las Vegas Field Office for the Ivanpah Energy Center. The EIS will analyze the impacts of issuing rights-of-way for a gas-fired electric power plant and ancillary facilities (consisting of electric transmission lines, electric substations, a water pipeline, and an access road).

DATES: Three scheduled public meetings to be held at the following dates and locations:

- Tuesday, March 5, 2002 commencing at 7 p.m. and continuing until all those present have an opportunity to speak but closing no later than 9 p.m. Community Center, 375 West San Pedro Avenue, Goodsprings, Nevada.
- Wednesday, March 6, 2002 commencing at 7 p.m. and continuing until all those present have an opportunity to speak but closing no later than 9 p.m. Clark County Government Center, Room ODC #3, 500 Grand Central Parkway, Las Vegas, Nevada.
- Thursday, March 7, 2002 commencing at 7 p.m. and continuing until all those present have an opportunity to speak but closing no later than 9 p.m. Community Center, West Quartz Avenue, Sandy Valley, Nevada.

Individuals making written comments at the public meetings may request confidentiality. If you wish to withhold your name or street address from public review of disclosure under the Freedom of Information Act, you must state this definitively at the beginning of your written comments. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and for individuals identifying themselves as representatives or officials of organizations or businesses will be available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Jerry Crockford, Project Manager, Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130–2301 or Bureau of Land Management, Farmington Field Office, 1235 La Plata Highway, Suite A, Farmington, NM 87401; telephone (505) 599–6333, cellular telephone (505) 486–4255.

SUPPLEMENTARY INFORMATION: The EIS will address the proposed action and (at this time) one alternative.

The proposed action can be summarized as: Construction, operation and maintenance of a nominal 500 Megawatt (MW) gas-fired electrical power generating facility and ancillary facilities.

Except for a related electric transmission line, the proposed generating facility and most ancillary facilities are located on public land administered by the BLM, in the MDBM, T. 25 S., R. 58 E., sec. 1, and T. 25 S., R. 59 E., sec. 6 and in southern Clark County, Nevada. The proposed site is about 25 miles southwest of Las Vegas, and two and one-half miles southeast of the town of Goodsprings, Nevada. The plant consists of two gas turbine-generators. The turbine exhaust heat captured and used to create steam will drive a steam turbine-generator in a combined-cycle configuration. To minimize consumption of water, the

plant will use refrigerated air-cooling technology.

The proposed action also includes the following ancillary facilities: A 12-inch diameter gas pipeline; a four-inch diameter water-supply pipeline; a 230 kilovolt (kV) substation; the following 230 kV transmission lines: (1) Two 230 kV lines from the proposed Ivanpah Substation to the existing Pahrump-Mead 230 kV line corridor; (2) a 230 kV line from the Ivanpah Substation to the existing Western Area Power Administration Mead Substation; and (3) two 230 kV lines from the Table Mountain Substation to the Ivanpah Substation; and the following fiber optic lines: (1) An optical-fiber ground wire (OPGW) shield wire as an integral part of the Ivanpah-Mead #2 transmission line; and (2) an OPGW as an integral part of the Table Mountain-Ivanpah #1 transmission line. Access to the generation facility site would be via an existing, unimproved road connected to State Highway 161.

The plant will require approximately 22 months for construction. The plant will be built to operate continuously, except for semi-annual maintenance shutdowns, with a projected 40-year life. Power will be sold into the commercial power markets of Nevada, California, and Arizona.

Under the No Action Alternative, BLM would not issue right-of-way grants for the Ivanpah Energy Center and ancillary facilities. The project including the power plant, transmission lines, water pipeline, gas pipeline, access road, and temporary use areas would not be constructed. The areas proposed for the Ivanpah Energy Center would remain undeveloped. An energy need would not be met by the proposed plant's generated power.

Public participation is encouraged throughout the processing of this project. Comments presented throughout the process will be considered.

Dated: January 23, 2002.

Angie C. Lara,

Acting Field Manager.

[FR Doc. 02–3794 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ET; NVN–61415]

Cancellation of Proposed Withdrawal; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Geological Survey, Water Resources Division has cancelled its withdrawal application N–61415 for an administrative site at Carson City, Nevada. The original Notice of Proposed Withdrawal was published as FR Doc. 97–10276, 62 FR 19601, April 22, 1997.

EFFECTIVE DATE: February 15, 2002.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 775–861–6532.

SUPPLEMENTARY INFORMATION: The United States Geological Survey, Water Resources Division has cancelled withdrawal application N–61415 (FR Doc. 97–10276, 62 FR 19601, April 22, 1997) for an administrative site. The land remains closed to surface entry and mining due to an overlapping withdrawal (Public Land Order No. 7348).

Dated: January 9, 2002.

Jim Stobaugh,

Lands Team Lead.

[FR Doc. 02–3825 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–020–1430–ET; NMNM 103819]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) proposes to withdraw 4,484.16 acres of public land in Santa Fe and Rio Arriba Counties, New Mexico, in aid of legislation for the pueblos of Santa Clara and San Ildefonso land claim settlement. This notice closes the public land for up to 2 years from location under the United States mining laws. The public land will remain open to mineral leasing.

DATES: Comments must be received by May 16, 2002.

ADDRESSES: Comments should be sent to the Taos Field Office Manager, BLM, 226 Cruz Alta Road, Taos, New Mexico 87571–5983.

FOR FURTHER INFORMATION CONTACT: Lora Yonemoto, BLM Taos Field Office, 505–751–4709.

SUPPLEMENTARY INFORMATION: On November 30, 2001 a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from location under the United States mining laws, subject to valid existing rights:

New Mexico Principal Meridian

T. 20 N., R. 7 E.,
- Sec. 22, lots 1 to 7, inclusive, SWNE, S½NW, SW, and W½SE;
- Sec. 23, S½;
- Sec. 24, S½;
- Sec. 25, lots 2 to 4, inclusive, 9, N½, and N½S½;
- Sec. 26, lots 1 and 2, N½, SW, and N½SE;
- Sec. 27, lots 1 to 4, inclusive, W½E½, and W½
- Sec. 34, lots 1 to 4, inclusive, W½E½, and W½;
- Sec. 35, lots 1 to 4, inclusive, and W½.

T. 20 N., R. 8 E.,
- Sec. 19, lots 8 to 11, inclusive;
- Sec. 30, lots 2 to 5, inclusive, and lots 8 to 11, inclusive.

The area described contains approximately 4,484.16 acres in Rio Arriba and Santa Fe Counties.

The purpose of the proposed withdrawal is to protect the lands while legislation is being drafted to transfer these lands to the pueblos of Santa Clara and San Ildefonso as part of the pueblos' land claim settlement.

For a period of 90 days from the date of publication of the notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Taos Field Office Manager of the BLM at the above address.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Taos Field Office Manager within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the public land will be segregated as specified above unless the application is denied or canceled or the legislation enacted or a withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are

licenses, permits, cooperative agreements, and discretionary land use authorizations of a temporary nature with the approval of the authorized officer.

Dated: December 13, 2001.

Sam DesGeorges,

Assistant Taos Field Office Manager.

[FR Doc. 02–3689 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NMNM 103820]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, has filed an application to withdraw approximately 7,538.97 acres of National Forest System land in Santa Fe and Rio Arriba Counties, New Mexico, in aid of legislation for the proposed Global Settlement with the Pueblo of San Ildefonso. This notice closes the National Forest System land for up to 2 years from location under the United States mining laws. The land will remain open to mineral leasing.

DATES: Comments must be received by May 16, 2002.

ADDRESSES: Comments should be sent to the U.S. Department of Agriculture, Forest Service, Santa Fe National Forest, 1474 Rodeo Road, P.O. Box 1689 Santa Fe, New Mexico 87504–1689.

FOR FURTHER INFORMATION CONTACT: Michael Frazier, Santa Fe National Forest, 505–438–7824.

SUPPLEMENTARY INFORMATION: On August 17, 2001, the United States Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System land from location under the United States mining laws, subject to valid existing rights:

New Mexico Principal Meridian

T. 19 N., R. 7 E.,
- Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 6, lots 1 to 6, inclusive, S½NE¼, and SE¼;
- Sec. 7, lots 1, 2, and NE¼;
- Sec. 8, N½; sec. 9, N½.

T. 20 N., R. 7 E.,
- Sec. 19, lots 6 to 11, inclusive, E½SW¼, and SE¼;
- Sec. 20, lots 2 to 5, inclusive, and S½;
- Sec. 21, lots 1, 2, 4 inclusive, lots 5 to 7, inclusive, SE¼NE¼, NE¼SE¼, and S½S½;
- Sec. 28, all;
- Sec. 29, all;
- Sec. 30, lots 5 to 8, inclusive, E½W½, and E½;
- Sec. 31, lots 5 to 8, inclusive, E½W½, and E½;
- Sec. 32, all;
- Sec. 33, all.

The area described contains approximately 7,538.97 acres in Rio Arriba and Santa Fe Counties.

The purpose of the proposed withdrawal is to protect the lands while a Global settlement of the San Ildenfonso Pueblo aboriginal title claim case, Indian claim commission, docket #354, is being considered.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Santa Fe National Forest Supervisor at the above address.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Santa Fe National Forest Supervisor within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the legislation enacted or a withdrawal is approved prior to that date.

Dated: December 13, 2002.

Sam DesGeorges,

Assistant Taos Field Office Manager.

[FR Doc. 02–3691 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 182

AGENCY: Minerals Management Service, Interior.

ACTION: Final Notice of Sale 182.

SUMMARY: On March 20, 2002, the MMS will open and publicly announce bids received for blocks offered in Sale 182, Central Gulf of Mexico, pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331–1356, as amended) and the regulations issued thereunder (30 CFR part 256).

Bidders can obtain a ''Final Notice of Sale 182 package'' containing this Notice of Sale and several supporting and essential documents referenced herein, from the MMS Gulf of Mexico Region's Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF, or via the MMS Gulf of Mexico Region's Internet site at *http://www.gomr.mms.gov. Please Note:* This site may be temporarily unavailable; if so, please use a temporary Homepage until further notice: *http://www.temporarygomr.com.*

The Final Notice of Sale 182 package contains information essential to bidders, and bidders are charged with the knowledge of the documents contained in the package.

Location and Time: Public bid reading will begin at 9 a.m., Wednesday, March 20, 2002, in Grand Ballroom C (5th floor) at the Sheraton New Orleans Hotel, 500 Canal Street, New Orleans, Louisiana. All times referred to in this document are local New Orleans time.

Filing of Bids: Bidders must submit sealed bids to the Regional Director (RD), MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, between 8 a.m. and 4 p.m. on normal working days, prior to the Bid Submission Deadline of 10 a.m., Tuesday, March 19, 2002. If the bids are mailed, please mark on the envelope containing all the sealed bids the following: *Attention:* Mr. John Rodi, Contains Sealed Bids for Sale 182.

If the RD receives bids later than the time and date specified above, he will return the bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m., Tuesday, March 19, 2002. In the event of an unexpected event significantly disruptive to bid submission, such as flooding or travel restrictions, the MMS

Gulf of Mexico regional office may extend the bid submission deadline. Bidders may call (504) 736–0557 for information about the possible extension of the bid submission deadline due to such an event.

Areas Offered for Leasing: The MMS is offering for leasing all blocks and partial blocks listed in the document ''Blocks Available for Leasing in Gulf of Mexico OCS Oil and Gas Lease Sale 182'' included in the Final Notice of Sale 182 package. This list of blocks available includes certain blocks and partial blocks beyond the United States Exclusive Economic Zone in the area formerly referred to as the Northern Portion of the Western Gap. All of these blocks are shown on the following Leasing Maps and Official Protraction Diagrams (which may be purchased from the MMS Gulf of Mexico Region Public Information Unit):

Outer Continental Shelf Leasing Maps—Louisiana Map Numbers 1 through 12 (These 30 maps sell for $2.00 each.)

LA1 West Cameron Area (Revised November 1, 2000)
LA1A West Cameron Area, West Addition (Revised November 1, 2000)
LA1B West Cameron Area, South Addition (Revised November 1, 2000)
LA2 East Cameron Area (Revised November 1, 2000)
LA2A East Cameron Area, South Addition (Revised November 1, 2000)
LA3 Vermilion Area (Revised November 1, 2000)
LA3A South Marsh Island Area (Revised November 1, 2000)
LA3B Vermilion Area, South Addition (Revised November 1, 2000)
LA3C South Marsh Island Area, South Addition (Revised November 1, 2000)
LA3D South Marsh Island Area, North Addition (Revised November 1, 2000)
LA4 Eugene Island Area (Revised November 1, 2000)
LA4A Eugene Island Area, South Addition (Revised November 1, 2000)
LA5 Ship Shoal Area (Revised November 1, 2000)
LA5A Ship Shoal Area, South Addition (Revised November 1, 2000)
LA6 South Timbalier Area (Revised November 1, 2000)
LA6A South Timbalier Area, South Addition (Revised November 1, 2000)
LA6B South Pelto Area (Revised November 1, 2000)
LA6C Bay Marchand Area (Revised November 1, 2000)
LA7 Grand Isle Area (Revised November 1, 2000)
LA7A Grand Isle Area, South Addition (Revised November 1, 2000)
LA8 West Delta Area (Revised November 1, 2000)
LA8A West Delta Area, South Addition (Revised November 1, 2000)
LA9 South Pass Area (Revised November 1, 2000)
LA9A South Pass Area, South and East Addition (Revised November 1, 2000)
LA10 Main Pass Area (Revised November 1, 2000)
LA10A Main Pass Area, South and East Addition (Revised November 1, 2000)
LA10B Breton Sound Area (Revised November 1, 2000)
LA11 Chandeleur Area (Revised November 1, 2000)
LA11A Chandeleur Area, East Addition (Revised November 1, 2000)
LA12 Sabine Pass Area (Revised November 1, 2000)

Outer Continental Shelf Official Protraction Diagrams (These 10 diagrams sell for $2.00 each.)

NG15–03 Green Canyon (Revised November 1, 2000)
NG15–06 Walker Ridge (Revised November 1, 2000)
NG15–09 Amery Terrace (Revised October 25, 2000)
NG16–01 Atwater Valley (Revised November 1, 2000)
NG16–04 Lund (Revised November 1, 2000)
NG16–07 Lund South (Revised November 1, 2000)
NH15–12 Ewing Bank (Revised November 1, 2000)
NH16–04 Mobile (Revised November 1, 2000)
NH16–07 Viosca Knoll (Revised November 1, 2000)
NH16–10 Mississippi Canyon (Revised November 1, 2000)

Please Note: A CD–ROM (in ARC/INFO and Acrobat (.pdf) format) containing all of the Gulf of Mexico Leasing Maps and Official Protraction Diagrams, except for those not yet revised to digital format, is available from the MMS Gulf of Mexico Region's Public Information Unit for a price of $15.00. The Leasing Maps and Official Protraction Diagrams are also available via the Internet. *See also* 66 FR 28002, published on May 21, 2001, for the current status of all Central and Western Gulf of Mexico Leasing Maps and Official Protraction Diagrams.

All blocks are shown on these Leasing Maps and Official Protraction Diagrams. The available Federal acreage of all whole and partial blocks in this sale is shown in the document ''List of Blocks Available for Leasing, Sale 182'' included in the Final Notice of Sale 182 package. Some of these blocks may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. Information on the unleased portions of such blocks is also found in the document titled ''Central Gulf of Mexico Lease Sale 182—Unleased Split Blocks and Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease,'' included in the Final Notice of Sale 182 package.

Areas Not Available for Leasing: The following whole and partial blocks are not offered for lease in this sale:

- Blocks currently under lease;
- Mississippi Canyon Block 474, which is under consideration for use as the host location to develop several existing leases termed the ''NaKika Project'';
- Viosca Knoll Block 69 (lease termination currently under appeal);
- Blocks which are beyond the United States Exclusive Economic Zone in the area known as the Northern portion of the Eastern Gap:

Lund South (Area NG16–07)

Blocks
172 and 173
213 through 217
252 through 261
296 through 305
349

- Whole and partial blocks which are beyond the United States Exclusive Economic Zone in the area formerly known as the Northern portion of the Western Gap and which lie within the 1.4 nautical mile buffer zone north of the continental shelf boundary between the United States and Mexico:

Amery Terrace (Area NG15–09)

Partial Blocks:
235 through 238
273 through 279
309 through 317

Whole Blocks:
280 and 281
318 through 320
355 through 359

Lease Terms and Conditions: Primary lease terms, primary lease term extensions, minimum bids, annual rental rates, royalty rates, and royalty suspension areas are shown on the map titled ''Lease Terms and Economic Conditions, Sale 182, Final'' for leases resulting from this sale:

Primary Lease Terms: 5 years for blocks in water depths of less than 400 meters; 8 years for blocks in water depths of 400 to 799 meters; and 10 years for blocks in water depths of 800 meters or deeper;

Primary Lease Term Extensions: Extensions may be granted for eligible blocks in water depths less than 400 meters as specified in Notice To Lessees and Operators (NTL) 2000–G22, effective December 22, 2000;

Minimum Bids: $25 per acre or fraction thereof for blocks in water depths of less than 800 meters and

$37.50 per acre or fraction thereof for blocks in water depths of 800 meters or deeper;

Annual Rental Rates: $5 per acre or fraction thereof for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof for blocks in water depths of 200 meters or deeper, to be paid on or before the first day of each lease year until a discovery in paying quantities of oil or gas is made, then at the expiration of each lease year until the start of royalty-bearing production;

Royalty Rates: 16⅔ percent royalty rate for blocks in water depths of less than 400 meters and a 12½ percent royalty rate for blocks in water depths of 400 meters or deeper, except during periods of royalty suspension, to be paid monthly on the last day of the month following the month in which the production is obtained;

Minimum Royalty: After the start of royalty-bearing production: $5 per acre or fraction thereof per year for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof per year for blocks in water depths of 200 meters or deeper, to be paid at the expiration of each lease year;

Royalty Suspension Areas: Leases resulting from this sale are subject to royalty relief regulations in 30 CFR part 260, published in the **Federal Register** at 66 FR 11512 on February 23, 2001, and 30 CFR part 203, published at 67 FR 1862 on January 15, 2002. Royalty suspension will apply for blocks in water depths less than 200 meters where new deep gas (15,000 feet or greater subsea) is drilled and commences production within the initial primary 5-year lease term, and in water depths of 400 meters or deeper (for oil and gas); see the map titled ''Lease Terms and Economic Conditions, Sale 182, Final'' for specific areas. See the document contained within the Final Notice of Sale 182 package titled ''Royalty Suspension Provisions, Sale 182'' for the specific details regarding royalty suspension eligibility and implementation.

Stipulations: The map titled ''Stipulations and Deferred Blocks, Sale 182, Final'' depicts the blocks where six lease stipulations apply: (1) Topographic features; (2) live bottoms; (3) military areas; (4) blocks south of Baldwin County, Alabama; (5) Law of the Sea Convention Royalty Payment; and (6) marine protected species. Also shown on this map are the deferred blocks noted above. The texts of the stipulations are contained in the document ''Lease Stipulations for Oil and Gas Lease Sale 182, Final'' included in the Final Notice of Sale 182 package.

Rounding: The following procedure must be used to calculate minimum bid, rental, and minimum royalty on blocks with fractional acreage. Round up to the next whole acre and multiply by the applicable dollar amount to determine the correct minimum bid, rental, or minimum royalty.

Please Note: For the minimum bid only, if the calculation results in a decimal figure, round up to the next whole dollar amount (see next paragraph). The minimum bid calculation, including all rounding, is shown in the document ''List of Blocks Available for Leasing in Central Gulf of Mexico OCS Oil and Gas Sale 182'' included in the Final Notice of Sale 182 package.

Method of Bidding: For each block bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled ''Sealed Bid for Oil and Gas Lease Sale 182, not to be opened until 9 a.m., Wednesday, March 20, 2002.'' The total amount bid must be in a whole dollar amount; any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document ''Bid Form and Envelope'' contained in the Final Notice of Sale 182 package.

The MMS published a list of restricted joint bidders, which applies to this sale, in the **Federal Register** at 66 FR 52150, on October 12, 2001. Bidders must execute all documents in conformance with signatory authorizations on file in the MMS Gulf of Mexico Region's Adjudication Unit. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, *e.g.,* 33.33333 percent. The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders. Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including paying the ⅕ bonus on all high bids. A statement to this effect must be included on each bid (see the document ''Bid Form and Envelope'' contained in the Final Notice of Sale 182 package).

Bid Deposit: Submitters of high bids must deposit the ⅕ bonus by using electronic funds transfer procedures, following the detailed instructions contained in the document ''Instructions for Making EFT Bonus Payments'' included in the Final Notice of Sale 182 package. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury (account specified in the EFT instructions) during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

Please Note: Certain bid submitters (*i.e.,* those that do NOT currently own or operate an OCS mineral lease OR those that have ever defaulted on a ⅕ bonus payment (EFT or otherwise)) are required to guarantee (secure) their ⅕ bonus payment. For those who must secure the EFT ⅕ bonus payment, one of the following options may be used: (1) Provide a third-party guaranty; (2) amend development bond coverage; (3) provide a letter of credit; or (4) provide a lump sum payment via EFT prior to the submission of bids. The EFT instructions specify the requirements for each option.

Withdrawal of Blocks: The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids: The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless the bidder has complied with all requirements of this Notice, including the documents contained in the associated Final Notice of Sale 182 package and applicable regulations; the bid is the highest valid bid; and the amount of the bid has been determined to be adequate by the authorized officer. The Attorney General may also review the results of the lease sale prior to the acceptance of bids and issuance of leases. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and will not be considered for acceptance. To ensure that the Government receives a fair return for the conveyance of lease rights for this sale, high bids will be evaluated in accordance with MMS bid adequacy procedures. A copy of the current procedures, ''Modifications to the Bid Adequacy Procedures'' (64 FR 37560 of July 12, 1999), can be obtained from the MMS Gulf of Mexico Region's Public Information Unit via the Internet.

Successful Bidders: As required by MMS, each company that has been awarded a lease must execute all copies of the lease (Form MMS–2005 (March 1986) as amended), pay by EFT the balance of the cash bonus bid along

with the first year's annual rental for each lease issued in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR part 256, subpart I, as amended. Each bidder in a successful high bid must have on file, in the MMS Gulf of Mexico Region's Adjudication Unit, a currently valid certification (Debarment Certification Form) certifying that the bidder is not excluded from participation in primary covered transactions under Federal nonprocurement programs and activities. A certification previously provided to that office remains currently valid until new or revised information applicable to that certification becomes available. In the event of new or revised applicable information, the MMS will require a subsequent certification before lease issuance can occur. Persons submitting such certifications should review the requirements of 43 CFR, part 12, subpart D. A copy of the Debarment Certification Form is contained in the Final Notice of Sale 182 package.

Affirmative Action: The MMS *requests* that the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS–2033 (June 1985), and the Affirmative Action Representation Form, Form MMS–2032 (June 1985), be on file in the MMS Gulf of Mexico Region's Adjudication Unit prior to bidding. In any event, these forms are *required* to be on file in the MMS Gulf of Mexico Region's Adjudication Unit prior to execution of any lease contract. Bidders must also comply with the requirements of 41 CFR part 60.

Information to Lessees: The Final Notice of Sale 182 package contains a document titled ''Information to Lessees.'' These Information to Lessees items provide information on various matters of interest to potential bidders.

Notice of Bidding Systems

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the OCS Lands Act, as amended, requires that at least 30 days before any lease sale, a Notice be submitted to Congress and published in the **Federal Register**. This Notice of Bidding Systems is for Sale 182, Central Gulf of Mexico, scheduled to be held in March 2002.

In Sale 182, unleased blocks and partial blocks are being offered under a bidding system that uses a cash bonus and fixed royalty rates of 16⅔ percent for blocks in water depths of less than 400 meters and 12½ percent in water depths of 400 meters or deeper, except during periods of royalty suspension.

This bidding system is authorized under 30 CFR 260.110(a)(7), which allows use of a cash bonus bid with a royalty rate of not less than 12½ percent and with suspension of royalties for a period, volume, or value of production, and an annual rental.

Analysis performed by the MMS indicates that use of this system with the royalty suspension volumes and price thresholds specified in the Final Notice of Sale provides an incentive for development of this area while ensuring that a fair sharing of revenues will result if major discoveries are made and produced.

Specific provisions for Sale 182 are contained in the document ''Royalty Suspension Provisions, Sale 182,'' and a map titled ''Lease Terms and Economic Conditions, Sale 182, Final'' depicts blocks and applicable royalty suspension volumes. Both documents are included in the Final Notice of Sale 182 package.

The MMS expects to use these same leasing systems in OCS lease sales in the Central and Western Gulf of Mexico in the future. For these sales, the specific blocks offered under each system will be shown on the sale's ''Lease Terms and Economic Conditions'' map. The MMS will publish a new notice of leasing systems for Central and Western Gulf of Mexico sales for any sales in which different systems are used.

Dated: February 11, 2002.

Lucy Querques Denett,

Acting Director, Minerals Management Service.

[FR Doc. 02–3818 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

Sanction for Breach of Administrative Protective Order

AGENCY: International Trade Commission.

ACTION: Sanction for breaches of Commission administrative protective order.

SUMMARY: Notice is hereby given of the sanction imposed by the Commission for the breach of the administrative protective order (''APO'') issued in Certain Plasma Display Panels and Products Containing Same, Inv. No. 337–TA–445. The Commission determined to adopt the recommendation of the presiding administrative law judge (ALJ) that the firm of Morrison & Foerster be publically reprimanded for institutional problems at the firm in its handling of confidential business information obtained under administrative protective orders (APOs).

FOR FURTHER INFORMATION CONTACT: Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3104. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission can also be obtained by accessing its Internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 22, 2001, based on a complaint filed by the Board of Trustees of the University of Illinois of Urbana, IL, and Competitive Technologies Inc. of Fairfield, CT. The respondents named in the investigation were Fujitsu Ltd., Fujitsu General Ltd., Fujitsu General America Corp., Fujitsu Microelectronic, Inc., and Fujitsu Hitachi Plasma Display Ltd. (collectively, ''Fujitsu''). Complainants alleged that Fujitsu violated section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling within the United States after importation certain plasma display panels and products containing same that infringe certain claims of U.S. Letters Patent Nos. 4,866,349 and 5,081,400. 66 FR 6668 (Jan. 22, 2001). The Commission terminated the investigation based on the withdrawal of the complaint on July 31, 2001. 66 FR 40722. (Aug. 3, 2001).

On May 8, 2001, the presiding ALJ issued Order No. 15 imposing sanctions on Fujitsu and its attorneys for breaching the APO issued in the investigation. She also recommended that the Commission publicly reprimand the law firm that represented Fujitsu, Morrison & Forester, LLP. The Commission has adopted the ALJ's recommendation.

Attorneys at Morrison & Forester unintentionally disseminated sensitive confidential business information (CBI) belonging to complainants to seven employees of respondent Fujitsu. One of those employees actually read the CBI and further disseminated the CBI to his supervisor. The latter two employees are employed in positions in which they could use the CBI to complainants' detriment. The ALJ found that the disclosure stemmed in part from institutional problems with Morrison & Foresters' handling of CBI, as evidenced

by the fact that five Morrison & Forester attorneys were involved in the disclosure.

This is the second breach within a two year period of an APO issued in a section 337 investigation by attorneys with the firm of Morrison and Foerster. The earlier breach occurred in Inv. No. 337–TA–419, Certain Excimer Laser Systems for Vision Correction Surgery and Components Thereof and Methods for Performing Such Surgery, Inv. No. 337–TA–419, Notice of June 4, 1999.

Morrison & Foerster is very experienced in Commission practice. However, the current breach and the recent prior breach demonstrate a disturbing and unacceptable pattern of failure to safeguard information released under APO. CBI received from private parties plays an important role in Commission investigations. The Commission's ability to obtain such information depends on the confidence of the submitting parties that their confidential information will be protected.

The authority for this action is conferred by section 337(n) of the Tariff Act of 1930, 19 U.S.C. 1337(n) and by §201.15 (a) of the Commission's rules of practice and procedure (19 CFR 201.15 (a)).

By order of the Commission.

Issued: February 13, 2002.

Marilyn R. Abbott,

Acting Secretary.

[FR Doc. 02–3942 Filed 2–14–02; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under the Policy set out at 28 CFR 50.7, notice is hereby given that on January 24, 2002, a proposed Consent Decree (Decree) in *United States of America* v. *PSEG Fossil LLC,* Civil Action No. 02CV340, was lodged with the United States District Court for the District of New Jersey. This enforcement action under the Clean Air Act involves alleged violations of requirements intended to prevent the significant deterioration of air quality under the Environmental Protection Agency's ''New Source Review'' Program. The United States and the State of New Jersey sought injunctive relief and civil penalties from PSEG Fossil LLC (''PSEG''), which owns and operates the coal-fired electric generating stations known as Unit 2 of the Hudson Electricity Generating Station in Hudson County, New Jersey; Units 1 and 2 of the Mercer Electricity Generating Station in Mercer County, New Jersey; and Unit 2 of the Bergen Electricity Generating Station in Bergen County, New Jersey. The United States and New Jersey alleged that PSEG failed to comply with the requirements of the Clean Air Act at these facilities by failing to seek permits prior to making major modifications to parts of these facilities and by failing to install appropriate pollution control devices to control emissions of air pollutants—specifically, sulfur dioxide, nitrogen oxides, and particular matter—from these facilities.

The proposed Decree requires PSEG to undertake various activities at the Hudson, Mercer, and Bergen Units in order to reduce the emission of air pollutants, including the following measures: that installation and operation of state-of-the-art equipment to control PSEG's emissions of nitrogen oxides, sulfur dioxide, and particulate matter; the optimization and operation of PSEG's existing pollution control equipment; limitations on the use of certain fuels; and the surrender of certain emission allowances. The Decree also requires PSEG to undertake a series of environmentally beneficial projects, valued at $6 million, and to pay a civil penalty of $1.4 million.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and refer to *United States* v. *PSEG Fossil LLC,* DOJ Case Number 90–5–2–1–1866/1.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of New Jersey, 970 Broad Street, Newark, New Jersey 07102, and at the Region 2 office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007. A copy of the proposed Consent Decree may also be obtained by mailing a request to the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, or by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library, fax no. (202) 616–6584; phone confirmation no. (202) 514–1547. In requesting a copy, please reference *United States* v. *PSEG Fossil LLC,* DOJ Case Number 90–5–2–1–1866/1, and enclose a check in the amount of $17.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

W. Benjamin Fisherow,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–3803 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree; Corrected Notice

In accordance with Department Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Specialty Minerals, Inc., Thomas Foley, Jr. and Dorothy K. Foley*, Civil Action No. 3:01CV1853 (RNC) (D. Conn.), was lodged with the United States District Court for the District of Connecticut on October 3, 2001. This notice corrects an inadvertent error in the notice published on January 7, 2002, at 67 FR 758. That Notice improperly referred to the property owner as ''John J. Foley, Jr.,'' instead of Thomas Foley, Jr. This proposed Consent Decree concerns a complaint filed by the United States against Specialty Minerals, Inc., Thomas Foley, Jr. and Dorothy K. Foley, pursuant to Sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. 1311(a) and 1344, and imposes civil penalties against Defendant, Specialty Minerals, Inc., for the unauthorized discharge of dredged or fill material into waters of the United States located in wetlands adjacent to a tributary of Blackberry River, located in North Canaan, Connecticut.

The proposed Consent Decree requires the payment of civil penalties, in addition to the performance of onsite mitigation and partial restoration at the site of the violation.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Brenda M. Green, Assistant United States Attorney, United States Attorney's Office, 157 Church Street, 23rd Floor, New Haven, Connecticut 06510 and refer to *United States* v. *Specialty Minerals, Inc., Thomas Foley, Jr. and Dorothy K. Foley,* DJ #90–5–1–1–05702.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of

Connecticut, 141 Church Street, New Haven, Connecticut, 06510.

Brenda M. Green,

Assistant U.S. Attorney, U.S. Attorney's Office.

[FR Doc. 02–3802 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. 01–01696 GK]

Public Comments and Response on Proposed Final Judgment in United States v. Premdor Inc., et al.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States of America hereby publishes below the comment received on the proposed Final Judgment in *United States* v. *Premdor Inc., et al,* Civil Action No. 01–01696 GK, filed in the United States District Court for the District of Columbia, together with the United States' response to the comment.

Copies of the comment and response are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington, DC 20530, Telephone: (202) 514–2481, and at the office of the Clerk of the United States District Court for the District of Columbia, E. Barrett Prettyman United States Courthouse, Room 1225, 333 Constitution Avenue, NW., Washington, DC 20001. Copies of any of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,

Director of Operations and Merger Enforcement.

United States of America, 1401 H Street, NW., Suite 3000, Washington, DC 20530, Plaintiff, v. Premdor Inc., 1600 Britannia Road East, Mississauga, Ontario, Canada L4W 1J2, Premdor U.S. Holdings, Inc., One North Dale Mabry Highway, Suite 950, Tampa, Florida 33609, International Paper Company, 400 Atlantic Street, Stamford, Connecticut 06921, and Masonite Corporation, 1 South Wacker Drive, Chicago, Illinois 60606, Defendants.

Plaintiff's Response to Public Comment

The United States, pursuant to the Antitrust Procedures and Penalties Act (''APPA''), 15 U.S.C. 16(b)–(h), hereby responds to the single public comment received, attached hereto as Exhibit A, regarding the proposed Final Judgment in this case.

I. Background

On August 3, 2001, the United States filed a Complaint alleging that the proposed acquisition of the Masonite business of International Paper Company (''IP'') by Premdor Inc. (''Premdor'') would substantially lessen competition in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18. The Complaint alleges that Premdor and IP, through its subsidiary Masonite Corporation (''Masonite''), are two of the three largest firms involved in the production of interior molded doors. As alleged in the Complaint, the transaction will substantially lessen competition in the development, manufacture and sale of interior molded doorskins and interior molded doors in the United States, thereby harming consumers. Accordingly, the Complaint seeks among other things: (1) A judgment that the proposed acquisition would violate Section 7 of the Clayton Act; and (2) permanent injunctive relief that would prevent defendants from carrying out the acquisition or otherwise combining their businesses or assets.

At the same time the Complaint was filed, the United States also filed a proposed, stipulated Final Judgment and Hold Separate Stipulation and Order that would permit Premdor to acquire the Masonite business, provided that Premdor divests its Towanda, Pennsylvania doorskin manufacturing facility, along with intellectual property, research capabilities and other assets needed to be a viable doorskin manufacturer. The proposed Final Judgment orders defendants to divest the Towanda facility to an acquirer approved by the United States. Defendants must complete the divestiture within 150 calendar days after the filing of the Complaint in this matter, or within 120 calendar days after the closing of Premdor's acquisition of the Masonite business, whichever is earlier. If defendants do not complete the divestiture within the prescribed time, then, under the terms of the proposed Final Judgment, this Court will appoint a trustee to sell the Towanda facility.

The Hold Separate Stipulation and Order and the proposed Final Judgment require defendants to preserve, maintain and continue to operate the North American operations of the Masonite business as an independent, ongoing, economically viable competitive business, with the management, sales and operations held separate from Premdor's other operations. The Hold Separate Stipulation and Order allows the defendants to submit to the United States a plan for partitioning the Towanda facility from the remainder of Masonite's North American operations. The United States has approved defendants' partition plan, and in accord with the Hold separate Stipulation and Order, Premdor now controls all of Masonite's North American operations other that the Towanda facility and other partitioned assets. The partitioned assets will continue to be held separate until they are divested to a suitable acquirer.

The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. In compliance with the APPA, the United States filed the Competitive Impact Statement (''CIS'') on August 3, 2001. The Complaint, proposed Final Judgment and the CIS were published in the **Federal Register** on August 28, 2001. The 60 day comment period required by the APPA expired with the United States having received only one public comment, from Lifetime Doors, Inc. In light of the recent disruption to mail delivery, the United States published a supplemental notice in the **Federal Register** on Dec. 21, 2001, and in the Washington Post from December 19, 2001 to December 25, 2001. The supplemental notice extended the comment period required by the APPA by fifteen days. The fifteen day supplemental comment period has now expired with the United States having received no additional public comments.

II. Response to the Public Comment

A. Legal Standard Governing the Court's Public Interest Determination

The Tunney Act directs the Court to determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e). In making that determination, the ''court's function is not to determine whether the resulting array of rights and liabilities is one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.'' United States v. Western Elec. Co., 993 F.2d 1572, 1576 (D.C. Cir.), cert. denied, 510 U.S. 984 (1993). The Court should evaluate the relief set forth in the proposed Final judgment and should enter the Judgment if it falls within the government's ''rather broad discretion to settle with the defendant within the reaches of the public interest.'' United States v. Microsoft Corp., 56 F.3d 1448, 1461 (D.C. Cir. 1995); accord United States v. Associated Milk Producers, 534 F.2d 113, 117–18 (8th Cir.), cert. denied, 429 U.S. 940 (1976). The Court should review the proposed Final Judgment ''in light of the violations charged in the complaint and * * * withhold approval only (a) if any of the terms appear

ambiguous, (b) if the enforcement mechanism is inadequate, (c) if third parties will be positively injured, or (d) if the decree otherwise makes a 'mockery of judicial power.' '' Massachusetts Sch. of Law at Andover, Inc. v. United States, 118F.3d 776, 783 (D.C. Cir. 1997) (quoting Microsoft, 56 F.3d at 1462). The Tunney Act does not empower the Court to reject the remedies in the proposed Final Judgment based on the belief that ''other remedies were preferable'' Microsoft, 56 F.3d at 1460, nor does it give the Court authority to impose different terms on the parties. *See, e.g.,* United States v. American Tel. & Tel. Co., 552 F. Supp. 131, 153 n.95 (D.D.C. 1982) (''AT&T''), aff'd sub nom. Maryland v. United States, 460 U.S. 1001 (1983) (mem.); accord H.R. Rep. No. 93–1463, at 8 (1974).

B. Response to Lifetime Doors, Inc.

Lifetime Doors, Inc. (''Lifetime'') urges the United States to rescind the proposed Final Judgment and move to block Premdor's acquisition of Masonite's doorskin business. Lifetime argues that the proposed Final Judgment, in its present form, fails to guarantee a viable buyer for the divested assets, and allows for irreparable damage to the market while Premdor seeks a buyer for the Towanda facility. In the alternative, Lifetime argues that the proposed Final Judgment is inadequate because it does not require the buyer of the Towanda facility to produce the exact line of products that was available before Premdor acquired Masonite.

The United States has considered Lifetime's concerns, but remains convinced that the proposed Final Judgment is in the public interest. Before the divestiture is complete, the Hold Separate Stipulation ensures that the Towanda facility will be operated as an independent and viable economic entity, and in the judgment of the Monitoring Trustee and the United States. Premdor has fulfilled its obligations to date. While there is no guarantee that a viable purchaser will be found for the Towanda facility, Premdor has taken all appropriate steps to locate an acceptable purchaser. See Report to U.S. District Court for the District of Columbia and Department of Justice on Premdor and Masonite Compliance with Court Ordered Consent Decree, submitted by Accenture, filed November 2, 2001. Moreover, there is no evidence that the sale of Masonite to Premdor, and the subsequent partition of the Towanda facility from the remainder of Masonite, has in fact resulted in ''damage to the market,'' as feared by Lifetime.

Lifetime also urges that the purchaser of the Towanda facility be forced to sell ''all product designs and sizes currently produced by Masonite'' to independent door manufacturers. Lifetime acknowledges that Premdor is required to make all current designs and sizes of molded door skins available to the purchaser of the Towanda facility, but still fears that all designs will not be purchased by the ultimate owner of Towanda, and that the lack of a full line will harm independent door manufacturers. The United States disagrees with the comment. The eventual owner of the Towanda facility will have the incentive to determine the most profitable product line to offer door manufacturers, and further, will have every incentive to ensure the profitable continuation of the independent door manufacturers, its likely largest customer base. If the purchaser of Towanda fails to offer a certain design or color of doorskin to its customers, despite having access to the full means of production for that model, the United States presumes that the market mechanism will ensure that consumers' interests are adequately protected.

III. Conclusion

After careful consideration of the comment, the United States concludes that entry of the proposed Final Judgment will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint and is in the public interest. The United States will move the Court to enter the proposed Final Judgment after the public comments and this Response have been published in the **Federal Register,** as 15 U.S.C. 16(d) requires.

Dated: January 23, 2002, Washington, DC.

Respectfully submitted,

Karen Y. Douglas, Joseph M. Miller (DC Bar 439965),

Attorneys, U.S. Department of Justice, Antitrust Division, Litigation II Section, 1401 H Street, NW., Suite 4000, Washington, DC 20530, 202–305–4762.

Certificate of Service

I hereby certify that I served a copy of the foregoing Response to Public Comment via First Class United States Mail and facsimile transmission, this 23d day of January 2002, on:

Counsel for International Paper, James R. Loftis, III, Esq., Gibson, Dunn & Crutcher LLP, 1050 Connecticut Avenue, NW., Washington, DC 20036.

Counsel for Premdor Inc. and Masonite Corporation, Keith Shugarman, Esq., Goodwin, Procter, LLP, 1717 Pennsylvania Avenue, NW., Washington, DC 20006.

Karen Y. Douglas,

Attorney, U.S. Department of Justice, Antitrust Division, 1401 H Street, NW., Suite 3000, Washington, DC 20530, (202) 305–4762.

August 30, 2001.

Mr. J. Robert Kramer, II., Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, N.W., Suite 3000, Washington D.C. 20530.

Re: Premdor Acquisition of Masonite

Dear Mr. Kramer: This letter shall serve as our response to the Complaint in the matter of United States of America v. Premdor, Inc., et. al. filed with the United States District Court for the District of Columbia on August 3, 2001 and the Competitive Impact Statement and proposed Final Judgment.

It has been the position of Lifetime Doors, Inc. that the sale of Masonite Corporation to Premdor, Inc. would pose a serious threat to competition in the wood door industry. We have stressed that the divestiture of a part of the Masonite operation would also result in significant and irreparable damage to the competitive marketplace for molded doors, and seriously affect the wood door industry as a whole. After reviewing the Complaint and proposed Final Judgment, our position remains unchanged.

While we remain doubtful that Premdor will find a viable purchaser for Towanda, we remain more doubtful that should it find a purchaser, that the purchaser will be in a position to compete with the two vertically integrated companies. Given that the stated purpose of the Final Judgment is to ''require defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint'' (page 2), the Consent Decree, Hold Separate Stipulation and Order, and the Final Judgment fail as a remedy, in that:

1. There is not a provision for the possibility that neither Premdor, nor the Department of Justice can guarantee that a viable buyer for the ''Towanda facility'' will be found;

2. In the event no buyer is found, there is not a means to undo the damage already done to lessen competition (as alleged in the Complaint) while attempting to identify a buyer.

For divestiture (including partition) to be an effective remedy to insure that Premdor's acquisition of Masonite does not lessen competition, it must be a pre-closure, not post-closure remedy. Under no circumstance should divestiture (including partition) of Masonite's North American Molded Doorskin Business take place until such time as a viable buyer for the ''Towanda Facility'' is identified and in place.

For these reasons we urge in the strongest possible terms that the Department of Justice rescind this Judgment, and move to block the Premdor acquisition of the Masonite Molded Doorskin business.

Should the Department of Justice not block the acquisition and should the Final Judgement be approved by the court, it is absolutely necessary in order for the non-

integrated companies to compete, that all product designs and sizes currently produced by Masonite be made available. To the extent that given product designs or sizes are not available to the non-vertically integrated companies, the two vertically integrated companies will have a material and significant advantage over the independent non-vertically integrated door manufacturers. The downstream customers of the wood door manufacturers are of a single mind in that all products must be available for purchase from a door manufacturer for that manufacturer to be a viable line of supply. If any product, no matter how insignificant in terms of its numbers or percentage, is unavailable, it will cause the downstream buyer to go to a manufacturer that has all required products available for purchase. No buyer will change its buying pattern by going elsewhere to find 15 doors of a unique design or size for a special order, as opposed to including the special order as part of the normal full truckload (1080 door) order, assuming the entire order can be purchased from a single source.

Unless the Towanda plant is able to provide all designs and all sizes of molded panel doorskins, it is likely that our customers will look to do business with either Premdor, Inc. or Jeld-wen, the only two molded panel doorskin manufacturers with a full line of designs and sizes. These two companies, if Premdor, Inc. acquires Masonite Corporation, will be the only vertically integrated door manufacturers. As such they will certainly have the capability of coordination with regard to doorskins and doors to the detriment of the non-vertically integrated companies and the marketplace in general. Further, for those distributors and users who require the Masonite product, Premdor, Inc. will hold a monopoly in regard to designs and sizes not available to non-vertically integrated manufacturers (Complaint, paragraph 35).

At the present time Masonite's Laurel, Mississippi plant produces eleven (11) product designs, eighty-nine (89) product sizes and the Craftcore profiled core that its Towanda, Pennsylvania facility is not able to produce. While the Competitive Impact Statement leads the reader to believe that Premdor will divest assets, including the Towanda plant, intellectual property, dies necessary to manufacture all designs and sizes of molded door skins, and services to operate the facility, there is no assurance contained in the Final Judgment that the acquirer will purchase the additional dies necessary to produce all products currently available through Masonite Corporation. In fact, the acquirer is not required to make all products nor is Premdor required to provide all product dies at the time of sale of the Towanda facility.

It is also erroneous to assume that price alone is a determining factor (Complaint, paragraph 28). In fact, even if we are able to sell the most commonly used designs and sizes of molded panel doors at a lesser price (even a significantly lesser price) we could not compete with the manufacturer that is able to provide all designs and all product sizes. By the Justice Department's own admission, the lack of all sizes and designs has been a significant deterrent to entry into the U.S. market by off-shore molded panel doorskin manufactures (Complaint, paragraph 26). The lack of a full line (all sizes and designs) would serve as the same deterrent to any entity that may acquire and attempt to operate the Towanda plant, and to any non-integrated manufacturer attempting to compete with a vertically integrated manufacturer.

Since downstream door buyers frequently treat doors as a commodity and often switch purchases from one manufacturer to another, the two year constraint placed on the defendants in the Final Judgment will do no more than postpone the opportunities for coordination by the two vertically integrated companies thereby creating the exact monopolistic marketplace described by the Department of Justice in the Competitive Impact Statement.

Further, the Final Judgment fails to insure continued free competition as it presently exists, and thereby fails as a satisfactory remedy, because: it does not guarantee the non-vertically integrated companies with a source for all items presently produced by Masonite; Premdor, Inc. is not required to make available all items to the non-integrated companies; and the Department of Justice cannot force Premdor to sell those items produced in Laurel to the non-integrated companies.

The Final Judgment in its present form is anti-competitive because it: (1) forces a buyer to go to a different supplier to obtain the full range of products necessary to meet its needs; (2) harms a buyer by positioning a vertically integrated manufacturer in a manner that would allow that manufacturer to charge more for a product because it is not available through a non-vertically integrated manufacturer; (3) harms a buyer by establishing an environment conducive to coordination between the vertically integrated manufacturers based on Premdor's access to designs and/or sizes presently available from Masonite that will not be available to the non-vertically integrated manufacturers (Complaint, paragraph 39).

For these reasons we again urge that the Department of Justice rescind this Judgment, and move to block the Premdor acquisition of the Masonite Molded Doorskin business, including the post acquisition divestiture of the Towanda facility.

Respectfully yours,

James K. Mitchell,

Vice President Administration.

[FR Doc. 02–3804 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993—The Digital Subscriber Line Forum

Notice is hereby given that, on July 24, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Digital Subscriber Line Forum (''DSL'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, BABT, Santa Clara, CA; BATM, Rosh Ha'ayin, ISRAEL; Institute for Information Industry (III), Taipei, TAIWAN; OPASTCO, Washington, DC; Realtek Semiconductors, Hsinchu, TAIWAN; Aspex Technology, Mountain View, CA; DV Tel, Inc., Totowa, NJ; Partner Voxtream, Vojens, DENMARK; Telefonica Investigacion y Desarrollo, Madrid, SPAIN; Maxxio Technologies, Vienna, AUSTRIA; Motive Communications, Austin, TX; Exigen Group, Saint John, New Brunswick, CANADA; Communication Authority, Budapest, HUNGARY; Tioga Technologies, Tel Aviv, ISRAEL; and sentitO Networks, Rockville, MD, have been added as parties to this venture.

Also, CooperCom, Santa Clara, CA; iBeam Broadcasting, Sunnyvale, CA; Pivotech Systems, Piscataway, NJ; CS Telecom, Fontenay-Aux-Roses, FRANCE; Fuzion Wireless Communications, Boca Raton, FL; Accelerated Networks, Moorpark, CA; Tripath Technology, Santa Clara, CA; and Eurobell PLC, Crawley, West Sussex, UNITED KINGDOM, have been dropped as parties to this venture.

In addition, Netcom Systems, Chatsworth, CA, has been acquired by Spirent Communications, Nepean, Ontario, CANADA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DSL intends to file additional written notifications disclosing all changes in membership.

On May 15, 1995, DSL filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 25, 1995 (60 FR 38058).

The last notification was filed with the Department on April 17, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 1, 2001 (66 FR 29834).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–3718 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Inter Company Collaboration for AIDS Drug Development

Notice is hereby given that, on November 8, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Inter Company Collaboration for AIDS Drug Development has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, AstraZeneca PLC, London, UNITED KINGDOM; and Sigma-Tau S.p.A., Rome, ITALY are no longer parties to this venture. Although there are no other changes in the membership, collaboration member Bristol-Myers Squibb Company has acquired collaboration member DuPont Pharmaceuticals Company.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Inter Company Collaboration for AIDS Drug Development intends to file additional written notification disclosing all changes in membership.

On May 27, 1993, Inter Company Collaboration for AIDS Drug Development filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 6, 1993 (58 FR 36223).

The last notification was filed with the Department on March 6, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 1, 2001 (66 FR 29835–02).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–3720 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993—National Electronics Manufacturing Initiative, Inc. (''NEMI'')

Notice is hereby given that, on November 7, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Electronics Manufacturing Initiative, Inc. (''NEMI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advanced Micro Devices, Inc. (AMD), Sunnyvale, CA; Agilent Technologies, Inc., Andover, MA; CALNET, Vienna, VA; Gouvernement du Quebec Ministere de l'Industrie et du Commerce, Montreal, Quebec, CANADA; Hewlett-Packard Company, Palo Alto, CA; iManage, Inc., San Mateo, CA; and KIC Thermal Profiling, San Diego, CA have been added as parties to this venture. Also, CTS Corporation, Elkhart, IN; and DARPA, Arlington, VA have been dropped as parties to this venture.

The following members were involved in acquisitions: Loctite Corporation, Industry, CA acquired Dexter, Rocky Hill, CT; Peregrine Systems, Inc., Belmont, CA acquired Extricity, Inc., Belmont, CA; IONA Technologies, Santa Clara, CA acquired Netfish Technologies, Santa Clara, CA; and Teradyne, Inc., Westford, MA acquired Gen Rad, Inc., Boston, MA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NEMI intends to file additional written notification disclosing all changes in membership.

On June 6, 1996, NEMI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 28, 1996 (61 FR 33774).

The last notification was filed with the Department on November 29, 2000. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 20, 2001 (66 FR 15758).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–3719 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Optical Internetworking Forum (''OIF'')

Notice is hereby given that, on October 3, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Optical Internetworking Forum (''OIF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, STMicroelectronics, Nepean, Ontario, Canada; Matsushita Communication Industrial, Yokohama, Kanagawa, Japan; Wipro, Bangalore, Karnataka, India; ADVA Optical Networking, Berlin, Germany; Future Communications Software, San Jose, CA; Norlight Telecommunications, Brookfield, WI; Hughes Software Systems Ltd., Gurgaon, Haryana, India; Intelligent Telecom, Daedok-gu, Taejon, Republic of Korea; Vectron International, Hudson, NH; Marvell Technology, Moshav Manof, Israel; Zaiq Technologies, Woburn, MA; Sonera Carrier Networks Ltd., Oulu, Finland; Tiburon Networks, Andover, MA; API Networks, Inc., Concord, MA; Cognigine, Freemont, CA; NOVILIT, Marlborough, MA; GMD, Sankt Augustin, Germany; Kawasaki LSI, San Jose, CA; Multiplex, South Plainfield, NJ; Acelo Semiconductor, Oxnard, CA; Nakra Labs, North Andover, MA; Sky Optix, Red Bank, NJ; Advantest America, Beaverton, OR; ITSD, Ministry of Management Services, Victoria, British Columbia, Canada; Modelware, Red Bank, NJ; Ixia, Calabasas, CA; Alliance Communications USA, Tamiment, PA; Entrada Networks, Inc., San Diego, CA; InterOptical, Inc., Saratoga, CA; National Semiconductor, Santa Clara, CA; Virata Corporation, Cambridge, Cambridgeshire, United Kingdom; Data Connection, Enfiend, Middlesex, United Kingdom; TRW,

Redondo Beach, CA; BellSouth Telecommunications, Atlanta, GA; BT, Ipswich, Suffolk, United Kingdom; Hi/fn, Los Gatos, CA; Japan Telecom, Tokyo, Japan; New Focus, San Jose, CA; Riverstone Networks, Santa Clara, CA; ZettaCom, Santa Clara, CA; Foundry Networks, San Jose, CA; Gennum Corporation, Burlington, Ontario, Canada; Raza Foundries, San Jose, CA; RF Micro Devices, Billerica, MA; Actel, Sunnyvale, CA; OpNext, Yokohama, Japan; El Paso Networks, Houston, TX; Fiberhome Telecommunications, Wuhan, People's Republic of China; ZTE Corporation, Shenzhen, People's Republic of China; NetTest, Markham, Ontario, Canada; SDL, Palo Alto, CA; Amkor Technology, Chandler, AZ; Lara Networks, San Jose, CA; NEL America, Inc., Yokohama, Japan; CIR, Charlottesville, VA; Entridia, Irvine, CA; Emperative, Boulder, CO; Accelight Networks, Warrendale, PA; Intelliden, Colorado Springs, CO; Allegro Networks, San Jose, CA; Jennic, Sheffield, Yorkshire, United Kingdom; Jedai Broadband Networks, Red Banks, NJ; Inphi, Westlake Village, CA; Internet Machines, Agoura Hills, CA; Aralight, Jamesburg, NJ; Gemfire, Palo Alto, CA; Village Networks, Edtontown, NJ; Parama Networks, San Jose, CA; Phyworks, Bristol, Avon, United Kingdom; PacketLight Networks, Round Rock, TX; Bit Blitz Communications, Milpitas, CA; NurLogic Design, San Diego, CA; All Optical Networks, Inc., San Diego, CA; Wavium AB, Stockholm, Sweden; Syntera Communications, Fremont, CA; Mintera, Lowell, MA; T–Networks, Inc., Allentown, PA; Photonami, Inc., Toronto, Ontario, Canada; SiOptic Networks, Inc., San Jose, CA; West Bay Semiconductor, Vancouver, British Columbia, Canada; Blueleaf Networks, Sunnyvale, CA; MindTree Consulting Pvt. Ltd., Bangalore, Karnataka, India; Xelerated Packet Devices, Stockholm, Sweden; Movaz Networks, Inc., Nepean, Ontario, Canada; Polaris Networks, Inc., San Jose, CA; Sililcon Packets, Inc., San Jose, CA; Intune Technologies, Ltd, Dublin, Ireland; Power X Networks, Sale, Cheshire, United Kingdom; Tropic Networks, Inc., Andover, MA; Sierra Monolithics, Redondo Beach, CA; Radiant Photonics, Inc., Austin, TX; Alphion, Eatontown, NJ; Santur, Fremont, CA; Helic S.A., Alimos, Athens, Greece; GigaTera, Dietikon, Switzerland; CoreOptics, Nuenberg, Germany; RedClover Networks, Palo Alto, CA: Kirana Networks, Red Bank, NJ; GWS Photonics, Philadelphia, PA; Lumentis, Haagersten, Sweden; TriCN San Francisco, CA; TelOptica, Richardson, TX; Paracer, Santa Clara, CA; net Brahma Technologies, Bangalore, Karnataka, India; StartaLight Communications, Mountain View, CA; Xlight Photonics, Tel Aviv, Israel; Kodeos Communications, South Plainfield, NJ; Dowslake Microsystems, Santa Clara, CA; CIVCOM, Petach-Tikva, Israel; Applice Optoelectronics, Sugar Land, TX; QOptics, New York, NY; VSK Photonics, Irvine, CA; Optillion, Kista, Sweden; Galazar Networks, Nepean, Ontario, Canada; Blue Sky Research, Milpitas, CA; Peta Switch Solutions, Santa Clara, CA; Efficient Channel Coding, Brooklyn Hts, OH; Bitmath, Fremont, CA; Corona Optical Systems, Lombard, IL; Clearwater Networks, Los Gatos, CA; Zepton Networks, Cupertino, CA; Silicon Bridge, Fremont, CA; Dorsal Networks, Columbia, MD; Coherent Telecom, San Jose, CA; Aeluros, Palo Alto, CA; Zagros Networks, Rockville, MD; Interoute, London, England, United Kingdom; XLOptics, Santa Clara, CA; Integral Access, Chelmsford, MA; Celox Networks, Hudson, MA; Genoa, Fremont, CA; Ntechra, San Jose, CA; TeraOp, Lod, Israel; Zenfinity, Iselin, NJ; Sphera Optical Networks, New York, NY; G2 Networks, Monterey, CA; Ilotron, West Malling, Kent, England, United Kingdom; Cognet Microsystems, Los Angeles, CA; Looking Glass Networks, Addison, TX; Sahasra Networks, Palo Alto, CA; and Internet Photonics, Shrewsbury, NJ have been added as parties to this venture.

Also, Microsoft Corporation, Redmond, WA; Telefonica de Espana, Madrid, Spain; Virtual Photonics, San Francisco, CA; Allayer Communications, San Jose, CA; Powercom, Hellerup, Denmark; Japan Direx, Tokyo, Japan; Micrel-Synergy Semiconductor, Santa Clara; CA; Linear Technology, Milpitas, CA; Alliance Communications USA, Tamiment, PA; InterOptical, Inc., Saratoga, CA; Entrada Networks, Inc., San Diego, CA; Transwitch Corporation, Shelton, CT; Amkor Technology, Chandler, AZ; Artel Video Systems, Marlboro, MA; Enron Broadband Services, Portland, OR; Level 3 Communications, Louisville, KY; ZTE Corporation, Shenzhen, Nanshan, People's Republic of China; NetTest, Markham, Ontario, Canada; LANCAST, Nashua, NH; Scientific Atlanta, Lawrenceville, GA; ON Semiconductor, Phoenix, AZ; Stratos Lightwave, Chicago, IL; Net Insight, Stockholm, Sweden; Axsun Technologies, Billercia, MA; China Advanced Info-Optical Network, Beijing, People's Republic of China; Dynarc, Kista, Sweden; Equipe Communications, Westford, MA; Luminous Networks, San Jose, CA; Nanovation, Miami, FL; Santec Corporation, Komaki, Aichi, Japan; SpectraSwitch, Santa Rosa, CA; TELE–WORX, Garland, TX; YAFO Networks, Columbia, MD; IronBridge Networks, Lexington, MA; Mayan Networks, San Jose, CA; AdventNet, San Jose, CA; Gotham Networks, Acton, MA; Cidra, Wallingford, CT; IPOptical, Herndon, VA; Native Networks, Petah, Tikva, Israel; ConnectCom MicroSystems, Irvine, CA; Terawave Communications, Hayward, CA; Seneca Networks, Rockville, MD; Fast-Chip, Los Altos, CA; Point Reyes Networks, San Jose, CA; Chorum Technologies, Richardson, TX; Celox Networks, South Borough, MA; Information Management Systems, Atlanta, GA; Luxcore, Atlanta, GA; Panstera, San Jose, CA; Kromos Technology, Los Altos, CA; Reversi Networks, Sunnyvale, CA; Dark Matter Network Technologies, Natick, MA; Corrigent Systems, San Francisco, CA; DigiLens, Sunnyvale, CA; nSerial, Santa Clara, CA; Ntechra, San Jose, CA; TeraOp, Lod, Israel; Zenfinity, Iselin, NJ; Sphera Optical Networks, New York, NY; G2 Networks, Monterey, CA; Ilotron, West Malling, Kent, United Kingdom; Looking Glass Networks, Addison, TX; Azanda Network Devices, Sunnyvale, CA; Sahasra Networks, Palo Alto, CA; and Internet Photonics, Shrewsbury, NJ have been dropped as parties to this venture.

The following members have changed their names: ID Inc. to Blueleaf Networks, Sunnyvale, CA; ECI Telecom to LightScape Networks, Petah, Tikva, Israel; Mitel Semiconductor to Zarlink Semiconductor, Kanata, Ontario, Canada; Focused Research to New Focus, Santa Clara, CA; CSELT to TILAB S.p.A, Torino, Italy; Xstream Logic, Inc. to Clearwater Networks, Los Gatos, CA; Wavetek Wandel Goltermann to Acterna, Germantown, MD; Versanetworks to Azanda Network Devices, Sunnyvale, CA; Ditech Communications to Altamar Networks, Mountain View, CA; GTS Network Systems to EBONE, Hoeilaart, Belgium; KDD R&D Laboratories to KDDI R&D Laboratories, Kamifukuoka, Saitama, Japan; Tyco Submarine Systems to TyCom, Eatontown, NJ; Chip2Chip to Velio Communications, Milpitas, CA; Maple Networks to Maple Optical Systems, San Jose, CA; CoreEl Microsystems to Paxonet Communications, Fremont, CA; Roshnee Corporation to Inara Networks, San Jose, CA; National Security Agency, U.S. Dept. of Defense, to Department of Defense, Ft. Meade, MD; Bravida Corporation to Bravara, Palo Alto, CA;

Princeton Networks to Princeton Optical Systems, San Jose, CA; Princeton Optical Systms to FirstWave Intelligent Optical Networks, San Jose, CA; Mannesmann Arcor AG & Co. to Arcor AG & Co., Eschborn, Germany; Transparent Optical to Transparent Networks, Santa Clara, CA; Continuum Networks to Intelliden, Colorado Springs, CO; Avagodro to Inphi, Westlake Village, CA; Clifton Microsystem to Phyworks, Bristol, Avon, United Kingdom; Galileo Technology to Marvell Technology, Moshav, Manof, Israel; ASIC-Alliance to Zaig Technologies, Woburn, MA; TriCN Associates, LLC to TriCN, San Francisco, CA; BTT (Broadband Transport Technologies) to Acelo Semiconductor, Oxnard, CA; Solidum Systems Corporation to Solidum, Ottawa, Ontario, Canada and GN Nettest to NetTest, Markham, Ontario, Canada.

The following members have been involved with mergers: LightLogic, Santa Clara, CA merged with Intel, Thousand Oaks, CA; Zaffire, San Jose, CA merged with Centerpoint Broadband Technologies, San Jose, CA; NewPort Communications, Irvine, CA merged with Broadcom Corporation, San Jose, CA; Net-Hopper Systems, Norcross, GA merged with Spirent, Honolulu, HI; Cyras Systems, Linthicum, MD merged with Ciena, Fremont, CA; NetPlane, Dedham, MA merged with Conexant, San Diego, CA; Amber Networks, Santa Clara, CA merged with Nokia, Petaluma, CA; SDL, Santa Clara, CA merged with JDS Uniphase, Bloomfield, CT; Lara Networks, San Jose, CA merged with Cypress Semiconductor, San Jose, CA; Cognet Microsystems, Los Angeles, CA merged with Intel, Thousand Oaks, CA; Versatile Optical Networks, Inc., San Jose, CA merged with Vitesse Semiconductor, Salem, NH; and NEL American, Inc., Saddle Brook, NJ merged with NTT, Tokyo, Japan.

Centillium Communications, Fremont, CA; PhotonEx, Bedford, MA; Geyser Networks, Sunnyvale, CA; Hyperchip, Montreal, Quebec, Canada; VIPswith, Brossard, Quebec, Canada; Jedai Broadband Networks, Red Banks, NJ; and Free Electron Technology, Brewster, NY changed from auditing to small principal members. LSI Logic, Milpitas, CA; Philips Semiconductors, Tempe, AZ; and Maxim Integrated Products, Hillsborough, OR changed from auditing to principal members.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Optical Internetworking Forum (''OIF'') intends to file additional written notification disclosing all changes in membership.

On October 5, 1998, Optical Internetworking Forum (''OIF'') filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 29, 1999 (64 FR 4709).

The last notification was filed with the Department on March 2, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 17, 2000 (65 FR 50219).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–3805 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP(OJP)–1346C]

The Serious and Violent Offender Reentry Initiative

AGENCY: Office of Justice Programs (OJP), Justice (DOJ) in partnership with Department of Health and Human Services (HHS), Department of Labor (DOL), Department of Education (ED), Department of Housing and Urban Development (HUD), and National Institute of Corrections (NIC), an agency of DOJ.

ACTION: Correction to notice of funding availability.

SUMMARY: This document provides the corrected information regarding how applications are to be submitted for the Serious and Violent Offender Reentry Initiative, which was first published in the **Federal Register** on January 30, 2002 at 67 FR 4645. Applications for this Initiative will only be accepted online using the U.S. Department of Justice, Office of Justice Programs' Grant Management System (GMS). Directions for applying online are included in the solicitation. For applicants without internet access, OJP encourages the use of public library terminals and access provided by copy centers and similar businesses.

FOR FURTHER INFORMATION CONTACT: The U.S. Department of Justice Response Center at 1–800–421–6770 or visit the Reentry Web site at *http://www.ojp.usdoj.gov/reentry/funding.htm.*

SUPPLEMENTARY INFORMATION: The Serious and Violent Offender Reentry Initiative is a collaborative and comprehensive grant program designed to address the issues related to serious, high-risk offenders (adults and juveniles) who are to be released and who have been released from correctional facilities and are returning to communities nationwide. The program aims to reduce recidivism by these returning offenders and thereby, enhance community safety.

Dated: February 12, 2002.

Deborah J. Daniels,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 02–3785 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that

section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modification and supersedeas thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

None

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage determinations Issued Under the Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov)of* the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 5th day of February, 2002.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 02–3460 Filed 2–14–02; 8:45 am]

BILLING CODE 4510–27–M

LEGAL SERVICES CORPORATION

LSC Regulations Review

AGENCY: Legal Services Corporation.

ACTION: Final Report of the LSC Regulations Review Task Force—Notice of Availability.

SUMMARY: As part of its ongoing efforts to improve the administration of regulatory programs and requirements, Legal Services Corporation is providing notice of the availability of the Final Report of the LSC Regulations Review Task Force. The Final Report is intended to be used toward the development of a regulatory agenda for 2002 and beyond.

FOR FURTHER INFORMATION CONTACT: Mattie C. Condray, Senior Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 750 First Street, NE, Washington, DC 20002–4250; 202/336–8817 (phone); 202/336–8952 (fax); *mcondray@lsc.gov.*

SUPPLEMENTARY INFORMATION: LSC is issuing this notice to advise the public of the availability of the LSC Regulations Review Task Force Final Report.

The Regulations Review Task Force was an internal LSC staff task force charged with conducting a comprehensive review of LSC's regulations to support the LSC Board of Directors' Operations & Regulations Committee in the development of a Regulatory Agenda. The members of the Task Force were Victor Fortuno, Vice President for Legal Affairs & General Counsel, Co-Chair; Randi Youells, Vice President for Programs, Co-Chair; John Eidleman, Program Counsel—Office of Program Performance; John Meyer, Acting Director—Office of Information Management; Bertrand Thomas, Program Counsel III—Office of Compliance and Enforcement and Mattie Condray, Senior Assistant General Counsel—Office of Legal Affairs. Laurie Tarantowicz, Assistant Inspector General and Legal Counsel, served as the OIG Liaison to the Task Force.

The Task Force conducted its work over the period of October, 2000, through January, 2002. The Final Report of the Task Force contains a review of LSC regulations to make sure that they properly implement current law and an analysis to determine whether any of LSC's regulations are confusing, unduly burdensome or pose interpretation or enforcement problems. The Final Report also suggest basic prioritization categories for action. The conclusions of the Task Force, as embodied in the Final

Report, are endorsed by LSC senior management.

A full copy of the Final Report can be found on the LSC Web site at: *http://www.lsc.gov/FOIA/other/FRrrtf02.pdf.* Interested parties may also request a copy by contacting Mattie Condray at the addresses listed above.

Victor M. Fortuno,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 02–3666 Filed 2–14–02; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–023]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Advanced Hi-Temp Strain Sensors of San Diego, California, has applied for an exclusive license to practice the invention described and claimed in U.S. Patent No. 6,301,775, entitled ''Alumina Encapsulated Strain Gage, Not Mechanically Attached to the Substrate, Used to Temperature Compensate an Active High Temperature Gage in a Half-Bridge Configuration,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to the NASA Management Office—JPL.

DATES: Responses to this notice must be received by March 4, 2002.

FOR FURTHER INFORMATION CONTACT: Patent Counsel, NASA Management Office—JPL, 4800 Oak Grove Drive, Mail Station 180–802, Pasadena, CA 91109–8099.

Dated: February 8, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–3684 Filed 2–14–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–024]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Smart Material Corporation of 4721 White Tail Lane, Sarasota, Florida 34238, has applied for an exclusive license to practice the invention described in NASA Case No. LAR–15816–1–PCT, entitled ''Piezoelectric Macro-Fiber Composite Actuator And Method for Making Same'', for which a PCT Patent Application was filed and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Langley Research Center.

DATES: Responses to this notice must be received by March 4, 2002.

FOR FURTHER INFORMATION CONTACT: Kurt G. Hammerle, Patent Attorney, NASA Langley Research Center, Mail Stop 212, Hampton, VA 23681–2199, telephone (757) 864–2470; fax (757) 864–9190.

Dated: February 8, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–3685 Filed 2–14–02; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–025]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Critical Care Innovations, Inc. having offices in Chantilly, Virginia, has applied for a partially exclusive license to practice the inventions described and claimed in U.S. Patent No. 5,827,531, entitled ''Multi-Lamellar, Immiscible-Phase Microencapsulation of Drugs''; U.S. Patent No. 6,099,864, entitled ''INSITU Activation of Microcapsules''; U.S. Patent No. 6,214,300, entitled ''Microencapsulation and Electrostatic Processing Device (MEPS)''; U.S. Patent No. 6,103,271, entitled ''Microencapsulation & Electrostatic Coating Process''; pending U.S. Patent Application entitled ''Protein Crystal Encapsulation Process'', NASA Case No. MSC–22936–1–SB; pending U.S. Patent Application entitled ''Externally Triggered Microcapsules'', NASA Case No. MSC–22939–1–SB and pending continuations, divisional applications, and foreign applications corresponding to the above-listed cases. Each of the above-listed patents and patent applications are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent the Johnson Space Center.

DATES: Responses to this notice must be received by March 4, 2002.

FOR FURTHER INFORMATION CONTACT: James Cate, Patent Attorney, NASA Johnson Space Center, Mail Stop HA, Houston, TX 77058–8452; telephone (281) 483–1001.

Dated: February 8, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–3686 Filed 2–14–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–026]

Notice of prospective patent and copyright license

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Williams Electrical Systems Company of Greensboro, North Carolina, has applied for an exclusive patent license to practice the invention disclosed in NASA Case No. KSC–12035, entitled ''Single Station System and Method of Locating Lightning Strikes,'' for which a patent application was filed and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Randall M. Heald, Assistant Chief Counsel/Patent Counsel, and John F. Kennedy Space Center.

DATES: Responses to this notice must be received by March 4, 2002.

FOR FURTHER INFORMATION CONTACT: Randall M. Heald, Assistant Chief Counsel/Patent Counsel, John F. Kennedy Space Center, Mail Code CC–A, Kennedy Space Center, FL 32899, telephone (321) 867–7214.

Dated: February 8, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–3687 Filed 2–14–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL COUNCIL ON DISABILITY

Advisory Committee Meeting

AGENCY: National Council on Disability (NCD).

SUMMARY: This notice sets forth the schedule of the forthcoming conference call for NCD's Cultural Diversity Advisory Committee. Notice of this conference call is required under Section 10(a)(1)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

CULTURAL DIVERSITY ADVISORY COMMITTEE: The purpose of NCD's Cultural Diversity Advisory Committee is to provide advice and recommendations to NCD on issues affecting people with disabilities from culturally diverse backgrounds. Specifically, the committee will help identify issues, expand outreach, infuse participation, and elevate the voices of underserved and unserved segments of this nation's population that will help NCD develop federal policy that will address the needs and advance the civil and human rights of people from diverse cultures.

DATES: March 6, 2002, 3:00 p.m. EST.

FOR CULTURAL DIVERSITY ADVISORY COMMITTEE INFORMATION CONTACT: Gerrie Drake Hawkins, Ph.D, Program Specialist, National Council on Disability, 1331 F Street NW, Suite 850, Washington, DC 20004; 202–272–2004 (voice), 202–272–2074 (TTY), 202–272–2022 (fax), *ghawkins@ncd.gov* (e-mail).

AGENCY MISSION: The National Council on Disability is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

This committee is necessary to provide advice and recommendations to NCD on disability issues.

We currently have a membership reflecting our nation's diversity and representing a variety of disabling conditions from across the United States.

OPEN MEETING: This advisory committee meeting/conference call of the National Council on Disability will be open to the public. However, due to fiscal constraints and staff limitations, a limited number of additional lines will be available. Individuals can also participate in the conference call at the NCD office. Those interested in joining this conference call should contact the appropriate staff member listed above.

Records will be kept of all Cultural Diversity Advisory Committee meetings/calls and will be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on February 11, 2002.

Jeffrey T. Rosen,

General Counsel and Acting Executive Director.

[FR Doc. 02–3709 Filed 2–14–02; 8:45 am]

BILLING CODE 6820–MA–M

NATIONAL SCIENCE FOUNDATION

DOE/NSF Nuclear Science Advisory Committee Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee (1176).

Date and Time: Thursday, March 14, 2002; 9 a.m.–6 p.m., Friday, March 15, 2001; 9 a.m.–6 p.m.

Place: Stafford II Building, Room 595, National Science Foundation, 4121 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Dr. Bradley D. Keister, Program Director for Nuclear Physics, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292—7377.

Purpose of Meeting: To provide advice and recommendations concerning the scientific programs of the NSF and DOE in the area of basic nuclear physics research.

Agenda:

March 14, 2002
- Introduction (J. Symons)
- Report from DOE
- Report from NSF
- Discussion of agency issues
- Report on BESAC activities (J. Schiffer)
- Discussion of Long-Range Plan short document
- Public Comment

March 15, 2002
- Continued Discussion of agency issues and Long-Range Plan short document

Dated: February 12, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02–3787 Filed 2–14–02; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–247]

Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating Unit No. 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) part 50.60(a) for Facility Operating License No. DPR–26, issued to Entergy Nuclear Operations, Inc., (ENO or the licensee), for operation of the Indian Point Nuclear Generating Unit No. 2 (IP2), located in Westchester County, New York. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would provide an exemption from the requirements of 10 CFR 50.60(a). The exemption would permit the use of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, Code Case N–640, ''Alternative Requirement Fracture Toughness for Development of P–T [Pressure and Temperature] Limit Curves for ASME Section XI Division I,'' and ASME Code Section XI Code Case N–588, ''Alternative to Reference Flaw Orientation of Appendix G for Circumferential Welds in Reactor Vessels, Section XI, Division I,'' in lieu of 10 CFR part 50, appendix G, paragraph I.

The proposed action is in accordance with the Consolidated Edison Company of New York, Inc. (Con Edison), the former licensee of IP2, request for an exemption dated July 16, 2001. On September 6, 2001, Con Edison's interests in the license was transferred to Entergy Nuclear Operations, Inc. (ENO). By letter dated September 20, 2001, ENO requested that the NRC continue to review and act on all requests before the Commission which had been submitted before the transfer. Accordingly, the NRC staff has acted upon Con Edison's application dated July 16, 2001, as supplemented by an ENO letter dated January 11, 2002.

The Need for the Proposed Action

The proposed action provides relief from unnecessary restriction of the P–T operating window defined by the P–T operating and test curves developed in accordance with ASME Code, Section

XI, Appendix G procedure. ASME Code, Section XI, Appendix G procedure was conservatively developed based on the level of knowledge existing in 1974 concerning reactor pressure vessel materials and the estimated effects of operation. Since 1974, the level of knowledge about these topics has been greatly expanded. This increased knowledge permits relaxation of the ASME Code, Section XI, Appendix G, requirements via application of ASME Code Case N–640 while maintaining the underlying purpose of the ASME Code, Section XI, Appendix G procedure. The restriction of the P–T operating and test curves developed in accordance with ASME Code, Section XI, Appendix G procedure would challenge the operations staff when operating at lower temperatures.

Continued operation with P–T curves developed in accordance with the ASME Code, Section XI without relief would unnecessarily restrict the P–T operating window for IP2. This would constitute an unnecessary burden that can be alleviated by the application of ASME Code Case N–588 in the development of the proposed P–T curves. Implementation of the proposed P–T curves as allowed by ASME Code Case N–588 would not reduce the margin of safety originally contemplated by either the NRC or ASME.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes as set forth below, there are no significant environmental impacts associated with the use of the alternative analysis methods to support the revision of the P–T curves.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resource than those previously considered in the Final Environmental Statement for the Indian Point Nuclear Generating Unit No. 3, dated September 1972.

Agencies and Persons Consulted

On January 31, 2002, the staff consulted with the New York State official, Ms. Alyse Peterson of the New York State Research and Development Authority, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated July 16, 2001, as supplemented by letter dated January 11, 2002. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 11th day of February 2002.

For the Nuclear Regulatory Commission.

Joel T. Munday,

Acting Chief, Section 1, Project Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3751 Filed 2–14–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold a Planning and Procedures Meeting during February 27–March 1, 2002, at the Four Points Sheraton-Tucson University Plaza, 1900 E. Speedway Blvd., Tucson, Arizona.

The meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, February 27, 2002—8:30 a.m. Until the Conclusion of Business

The Committee will discuss the adequacy of the process for conducting ACNW business including a facilitated discussion on improving Committee effectiveness and efficiency. In addition, it will discuss insights gained from the Waste Management 2002 Conference and the issues the ACNW should address in 2002.

Thursday, February 28, 2002—8:30 a.m. Until the Conclusion of Business

The Committee will discuss its existing mission and objectives, its effectiveness during the past year, and possible process improvements that could result in increased effectiveness during 2002.

Friday, March 1, 2002—8:30 a.m. Until the Conclusion of Business

The Committee will summarize its consensus on issues, consider its draft report on the NRC Safety Research Program, and finalize its March 20, 2002 Commission briefing presentation.

Oral statements may be presented by members of the public with the concurrence of the Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and

questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACNW staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACNW staff person, Howard J. Larson (telephone: 301/415–6805) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule that may have occurred.

Dated: February 8, 2002.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 02–3752 Filed 2–14–02; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in February 2002. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in March 2002.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. The required interest rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Release H.15.

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in February 2002 is 4.63 percent (*i.e.,* 85 percent of the 5.45 percent yield figure for January 2002).

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between March 2001 and February 2002.

For premium payment years beginning in:	The required interest rate is:
March 2001	4.63
April 2001	4.54
May 2001	4.80
June 2001	4.91
July 2001	4.82
August 2001	4.77
September 2001	4.66
October 2001	4.66
November 2001	4.52
December 2001	4.35
January 2002	4.66
February 2002	4.63

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in March 2002 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 8th day of February 2002.

Steven A. Kandarian,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 02–3780 Filed 2–14–02; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of February 18, 2002: A closed meeting will be held on Thursday, February 21, 2002, at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting scheduled for Thursday, February 21, 2002, will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and

Formal orders of investigation.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: February 12, 2002.

Jonathan G. Katz,

Secretary.

[FR Doc. 02–3829 Filed 2–12–02; 4:12 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45379A; File Nos. SR–NASD–2001–64 and SR–NASD–2001–68]

Self Regulatory Organizations; Order Granting Approval of Proposed Rule Changes by the National Association of Securities Dealers, Inc., To Adjust the Fees Charged to NASD Non-Members for the Use of the Nasdaq National Market Execution System and the SelectNet Service

January 31, 2002.

Correction

In FR Document No. 02–2962, beginning on page 5867 for Thursday February 7, 2002, the first sentence of Section V. on page 5868 was incorrectly stated. The sentence should read as follows:

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[1] that proposed rule change File No. SR–NASD–2001–64 be and hereby is approved and that proposed rule change File No. SR–NASD–2001–68 be and hereby is approved on a pilot basis through October 31, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Dated: February 11, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3715 Filed 2–14–02; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(2).

[2] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45425; File No. SR–Phlx–2002–07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Fees Applicable to Competing Specialists

February 8, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 8, 2002, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend its schedule of dues, fees and charges to establish clearly that the Exchange's fees, credits, discounts and other charges that are based upon an equity specialist's activity apply to competing specialists. The Exchange proposes to add language to its fee schedule to make clear that such fees, credits, discounts and other charges apply to competing specialists.

The text of the proposed rule change is available at the Office of the Secretary, the Phlx, and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx 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 Phlx 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 purpose of the proposed rule change is to establish clearly that any fees and charges (as well as any credits and discounts) on the Exchange's schedule of dues, fees and other charges that are based upon an equity specialist's activity apply to competing specialists. On December 21, 2001, the Commission approved a proposed rule change to adopt rules designed to facilitate the establishment of a competing specialist program on the Exchange.[3] The new rules provide for the approval by the Exchange's Equity Allocation, Evaluation and Securities Committee of applications by qualified specialist units to act as competing specialists in one or more equity securities. The Exchange contemplates commencing a competing specialist program in the near future. Under that program, equity securities traded on the Exchange may have both a primary specialist (contemplated to be the Exchange's current sole specialist in the security) and one or more competing specialists. At this time, the Exchange is proposing to apply all specialist fees and charges (as well as any applicable credits or discounts) to Exchange specialists, whether primary or competing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act,[4] in general, and section 6(b)(4) of the Act,[5] in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act[6] and subparagraph (f)(2) of Rule 19b–4[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 45183, 67 FR 118 (January 2, 2002) (SR–Phlx–2001–97).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(2).

Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–2002–07 and should be submitted by March 8, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Magaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3714 Filed 2–14–02; 8:45 am]

BILLING CODE 8010–01–P

[8] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before April 16, 2002.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Johnny Kitts, Financial Analyst, Office of Investment, Small Business Administration, 409 3rd Street, SW., Suite 6300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Johnny Kitts, Financial Analyst, (202) 205–7587 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: Small Business Investment Company (SBIC) Leverage Application Forms and Documents, Leverage Application Kits.

Form No's.: 25, 33, 34, 1065.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 327.

Annual Burden: 507.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–3710 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's, National Women's Business Council's (NWBC's) intentions to request approval on a new information collection. This information collection request (ICR) will be used to obtain data on the participation of women-owned small business in Federal subcontracting.

DATES: Submit comments on or before April 16, 2002.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the NWBC, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Laura Eyester, Acting Executive Director, NWBC, 409 3rd Street, SW, Suite 210, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Laura Eyester, Acting Executive Director, NWBC, at (202) 205–6828 or Curtis B. Rich, Management Analyst, SBA, at (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: Subcontracting Report.

Form No: N/A.

Description of Respondents: Large businesses that contract with the Federal Government.

Annual Responses: 350.

Annual Burden: 245.

Jacqueline White,

Chief, Administration Information Branch.

[FR Doc. 02–3778 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3392]

State of Kansas

As a result of the President's major disaster declaration on February 6, 2002, I find that Allen, Anderson, Barber, Bourbon, Butler, Chautaqua, Cherokee, Coffey, Comanche, Cowley, Crawford, Douglas, Elk, Franklin, Greenwood, Harper, Jefferson, Johnson, Kingman, Kiowa, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Pratt, Sedgwick, Shawnee, Sumner, Wilson, Woodson and Wyandotte in the State of Kansas constitute a disaster area due to damages caused by a severe winter ice storm occurring on January 29, 2002, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 8, 2002 and for economic injury until the close of business on November 7, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Atchison, Chase, Clark, Edwards, Ford, Harvey, Jackson, Marion, Morris, Pottawatomie, Reno, Stafford and Wabaunsee counties in the State of Kansas; Alfalfa, Craig, Grant, Harper, Kay, Nowata, Osage, Ottawa, Washington and Woods counties in the State of Oklahoma; Barton, Bates, Cass, Clay, Jackson, Jasper, Newton, Platte and Vernon counties in the State of Missouri.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.625
Homeowners without credit available elsewhere	3.312
Businesses with credit available elsewhere	7.000
Businesses and non-profit organizations without credit available elsewhere	3.500
Others (including non-profit organizations) with credit available elsewhere	6.375
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	3.500

The number assigned to this disaster for physical damage is 339211. For

economic injury the number is 9O4300 for Kansas; 9O4400 for Oklahoma; and 9O4500 for Missouri.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 7, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 02–3712 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3393]

State of Missouri

As a result of the President's major disaster declaration on February 6, 2002, I find that Adair, Audrain, Bates, Benton, Boone, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Grundy, Henry, Howard, Jackson, Johnson, Lafayette, Linn, Livingston, Macon, Monroe, Morgan, Pettis, Platte, Randolph, Ray, Saline, Shelby, St. Clair, Sullivan and Vernon Counties in the State of Missouri constitute a disaster area due to damages caused by a severe winter ice storm occurring on January 29, 2002 and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 8, 2002 and for economic injury until the close of business on November 7, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Andrew, Barton, Callaway, Camden, Cedar, Cole, Daviess, DeKalb, Harrison, Hickory, Knox, Lewis, Marion, Mercer, Miller, Moniteau, Montgomery, Pike, Polk, Putnam, Ralls, Schuyler and Scotland counties in the State of in Missouri; Atchison, Bourbon, Crawford, Doniphan, Johnson, Leavenworth, Linn, Miami and Wyandotte counties in the State of Kansas.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.625
Homeowners without credit available elsewhere	3.312
Businesses with credit available elsewhere	7.000
Businesses and non-profit organizations without credit available elsewhere	3.500
Others (including non-profit organizations) with credit available elsewhere	6.375
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	3.500

The number assigned to this disaster for physical damage is 339311. For economic injury the number is 9O4600 for Missouri and 9O4700 for Kansas.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 7, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 02–3713 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3394]

State of Oklahoma

As a result of the President's major disaster declaration for Public Assistance on February 1, 2002, and Amendments 1 and 2 adding Individual Assistance on February 7, 2002, I find that Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Creek, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, McClain, Noble, Nowata, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Stephens, Texas, Tilman, Tulsa, Washington, Washita, Woods and Woodward in the State of Oklahoma constitute a disaster area due to damages caused by a severe winter ice storm occurring on January 30, 2002, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 2, 2002, and for economic injury until the close of business on November 1, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Carter, Cotton, Craig, Jefferson, Mayes, Murray, Okfuske, Okmulgee, Pontotoc, Seminole and Wagoner in the State of Oklahoma; Baca county in the State of Colorado; Barber, Chautauqua, Clark, Comanche, Cowley, Harper, Labette, Meade, Montgomery, Morton, Seward, Stevens and Sumner counties in the State of Kansas; Union county in the State of New Mexico; Childress, Collingsworth, Dallam, Hansford, Hardeman, Hemphill, Lipscomb, Ochiltree, Sherman, Wheeler, Wichita and Wilbarger counties in the State of Texas.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.625
Homeowners without credit available elsewhere	3.312
Businesses with credit available elsewhere	7.000
Businesses and non-profit organizations without credit available elsewhere	3.500
Others (including non-profit organizations) with credit available elsewhere	6.375
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	3.500

The number assigned to this disaster for physical damage is 339411. For economic injury the number is 9O4800 for Oklahoma; 9O4900 for Colorado; 9O5000 for Kansas; 9O5100 for New Mexico; and 9O5200 for Texas.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 8, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 02–3711 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P]

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34132]

Norfolk Southern Railway Company—Lease and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board grants an exemption under 49 U.S.C. 10502, from the prior approval requirements of 49 U.S.C. 11323–25, for Norfolk Southern

Railway Company (NSR) to lease and operate over approximately 1.2 miles of The Burlington Northern and Santa Fe Railway Company (BNSF) line, known as the Norwood Hill Track, extending between mileposts BNSF 734.4 = NSR 800.6 (''Block One'') and BNSF 735.6 = NSR 799.4 (''Block Two'') at Birmingham, in Jefferson County, AL.

DATES: This exemption will be effective March 17, 2002. Petitions to stay must be filed by March 4, 2002, and petitions to reopen must be filed by March 12, 2002.

ADDRESSES: Send an original and 10 copies of pleadings referring to STB Finance Docket No. 34132 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of pleadings to petitioners' representatives: James R. Paschall, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510–2191 and Peter M. Lee, The Burlington Northern and Santa Fe Railway Company, 2500 Lou Menk Drive, 3rd Floor, P.O. Box 961039, Fort Worth, TX 76161–0039.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Da 2 Da Legal, Room 405, 1925 K Street, NW, Washington, DC 20006. Telephone: (202) 293–7776. [Assistance for the hearing impaired is available through TDD Services 1–800–877–8339.]

Board decisions and notices are available on our web site at *''WWW.STB.DOT.GOV.''*

Decided: February 8, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 02–3784 Filed 2–14–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34167]

Richard J. Corman-Continuance in Control Exemption-R.J. Corman Equipment Company, LLC

Richard J. Corman (Corman), a noncarrier individual, has filed a verified notice of exemption to continue in control of R.J. Corman Equipment Company, LLC (RJCE), upon RJCE's becoming a Class III rail carrier.

The transaction was scheduled to be consummated on or after January 24, 2002, the effective date of the exemption.

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34165, *R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of CSX Transportation, Inc.,* wherein RJCE seeks to acquire the Dawkins Subdivision from CSXT Transportation, Inc.; and STB Finance Docket No. 34166, *R.J. Corman Railroad Company/Bardstown Line—Lease and Operation Exemption—Line of R.J. Corman Equipment Company, LLC,* wherein R.J. Corman Railroad Company/Bardstown Line (RJCR) seeks to lease and operate the rail line being acquired by RJCE in STB Finance Docket No. 34165. RJCR is an existing Class III rail carrier operating in the State of Kentucky.

Corman controls through stock ownership seven Class III rail carriers: R.J. Corman Railroad Company/Pennsylvania Lines, Inc., operating in Pennsylvania; R.J. Corman Railroad Company/Memphis Line, operating in Tennessee and Kentucky; R.J. Corman Railroad Company/Western Ohio Line, operating in Ohio; R.J. Corman Railroad Company/Cleveland Line operating in Ohio; R.J. Corman Railroad Company/Bardstown Line, operating in Kentucky; R.J. Corman Railroad Company/Allentown Lines, Inc., operating in Pennsylvania and New York; and Clearfield and Mahoning Railway Company, operating in Pennsylvania.

Corman states that the rail line to be acquired by RJCE will not connect with the rail lines of any existing rail carrier in their corporate family, this control transaction is not part of a series of anticipated transactions that would result in such a connection, and this control transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval of requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings referring to STB Finance Docket No. 34167, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 8, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–3672 Filed 2–14–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34165]

R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of CSX Transportation, Inc.

R.J. Corman Equipment Company, LLC (RJCE), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire approximately 36.08 miles of rail line known as the Dawkins Subdivision from CSX Transportation, Inc. (CSXT) located between approximately milepost 0.05 at or near Dawkins, KY, and approximately milepost 36.13 at or near Evanston, KY, in Johnson, Magoffing and Breathitt Counties, KY. RJCE certifies that its projected revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier.

The transaction was scheduled to be consummated on or after January 24, 2002, the effective date of the exemption.

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34167, *Richard J. Corman—Continuance in Control Exemption—R.J. Corman Equipment Company, LLC,* wherein Richard J. Corman seeks to continue in control of RJCE, upon its becoming a Class III rail carrier; and

STB Finance Docket No. 34166, *R.J. Corman Railroad Company/Bardstown Line—Lease and Operation Exemption—Line of R.J. Corman Equipment Company, LLC,* wherein R.J. Corman Railroad Company/Bardstown Line seeks to lease and operate the line being acquired by RJCE in STB Finance Docket No. 34165.

If this notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34165, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 8, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–3670 Filed 2–14–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34166]

R.J. Corman Railroad Company/ Bardstown Line-Lease and Operation Exemption-Line of R.J. Corman Equipment Company, LLC

R.J. Corman Railroad Company/ Bardstown Line (RJCR), a Class III carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and operate a rail line known as the Dawkins Subdivision from R.J. Corman Equipment Company, LLC (RJCE) between approximately milepost 0.05 at or near Dawkins, KY, and approximately milepost 36.13 at or near Evanston, KY, in Johnson, Magoffing and Breathitt Counties, KY, a total distance of approximately 36.08 miles. RJCR certifies that the projected revenues will not result in the creation of Class I or Class II rail carrier.

The transaction was scheduled to be consummated on or after January 24, 2002, the effective date of the exemption.

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34167, *Richard J. Corman-Continuance in Control Exemption—R.J. Corman Equipment Company, LLC,* wherein Richard J. Corman seeks continue in control of RJCE upon RJCE's becoming a Class III rail carrier; and STB Finance Docket No. 34165, *R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of CSX Transportation, Inc.,* wherein RJCE seeks to acquire the Dawkins Subdivision from CSX Transportation, Inc.

If this notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34166, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 8, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–3671 Filed 2–14–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Public Comment for Study on Information Sharing Practices Among Financial Institutions and Their Affiliates

AGENCY: Department of the Treasury, Departmental Offices.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of the Treasury (Secretary), in conjunction with the federal functional regulatory agencies and the Federal Trade Commission, is conducting a study of information sharing practices among financial institutions and their affiliates, as required by the Gramm-Leach-Bliley Act of 1999. The Secretary is requesting public comment on a number of issues to assist in preparation of the Study.

DATES: Please submit comments and responses to the questions in this notice on or before April 1, 2002.

ADDRESSES: All submissions must be in writing or in electronic form. Please send e-mail comments to *study.comments@ots.treas.gov*, or facsimile transmissions to FAX Number (202) 906–6518 re: GLBA Information Sharing Study. Comments sent by mail should be sent to: Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, ATTN: Study on GLBA Information Sharing. (Senders should be aware that there have been some unpredictable and lengthy delays in postal deliveries to the Washington, DC area in recent weeks and may prefer to make electronic submissions.) Anyone submitting comments is asked to include his or her name, address, telephone number, and if available, FAX number and e-mail address. Please do not submit confidential commercial or financial information. All submissions should be captioned ''Comments on the GLBA Information Sharing Study.'' Comments will be available to the public in their entirety via the Treasury Department website, *www.USTreas.gov*, where a link will be established. The link will be clearly identified on the Treasury homepage as relating to the GLBA Study on Information Sharing Practices Among Financial Institutions and Their Affiliates. Copies of comments also may be inspected at the Treasury Department Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Before visiting the library, visitors must call (202) 622–0990 to arrange an appointment.

FOR FURTHER INFORMATION CONTACT: Susan Hart, Financial Economist, Office of Consumer Affairs and Community Policy, Department of the Treasury, (202) 622–0129; or Brian Tishuk, Director, Office of Consumer Affairs and Community Policy, Department of the Treasury, (202) 622–1964.

SUPPLEMENTARY INFORMATION:

I. Statutory Background

On November 12, 1999, President Clinton signed into law the Gramm-Leach-Bliley Act (GLBA).[1] The GLBA made several fundamental changes to the laws governing the financial system, including easing the limits on the types of financial institutions that may be affiliated with one another. A Company is an affiliate of a financial institution if it controls, is controlled by, or is under

[1] Pub. L. 106–102.

common control with the financial institution.

The GLBA also established limits on the extent to which financial institutions[2] may disclose personal information about consumers[3] with whom they do business. The GLBA generally requires that a financial institution provide a clear and conspicuous notice of its privacy policies and practices and allow consumers to prevent (*i.e.,* to opt out of) the disclosure of their nonpublic personal information[4] to a nonaffiliated company, unless certain prescribed exceptions apply. The financial institution also must explain how consumers can exercise their opt out rights. These limitations on disclosing nonpublic personal information do not apply when a financial institution discloses a consumer's information to its affiliates.[5]

Section 508 of the GLBA[6] requires the Secretary, in conjunction with the federal functional regulators[7] and the Federal Trade Commission, to conduct a study of information sharing practices among financial institutions and their affiliates. The Study must address: (1) The purposes for the sharing of confidential customer information with affiliates or with nonaffiliated third parties; (2) the extent and adequacy of security protections for such information; (3) the potential risks for customer privacy of such sharing of information; (4) the potential benefits for financial institutions and affiliates of such sharing of information; (5) the potential benefits for customers of such sharing of information; (6) the adequacy of existing laws to protect customer privacy; (7) the adequacy of financial institution privacy policy and privacy rights disclosure under existing law; (8) the feasibility of different approaches, including opt out and opt in, to permit customers to direct that confidential information not be shared with affiliates and nonaffiliated third parties; and (9) the feasibility of restricting the sharing of information for specific uses or of permitting customers to direct the uses for which information may be shared.

In formulating and conducting the Study, the Secretary is required to consult with representatives of State insurance authorities designated by the National Association of Insurance Commissioners, and also with the financial services industry, consumer organizations and privacy groups, and other representatives of the general public. The Secretary also will incorporate the views of the federal functional regulators, including their examiners, and the Federal Trade Commission in completing this Study. Upon completion of the Study, the Secretary will submit a report to the Congress of the Study's findings and conclusions, as well as any recommendations for legislative or administrative actions as may be appropriate.

II. Request for Comments

Please comment on the specific questions set forth below and on any other issues relevant to this Study. Please label comments with the number and letter corresponding to the question to which the comment relates. For purposes of the questions below, the terms ''information'' and ''confidential customer information'' mean ''nonpublic personal information,'' as defined in the regulations implementing the financial privacy provisions of Title V of the GLBA.[8] In addition, for the purposes of this request, the term ''customer'' means any individual and includes any individual who applies for or obtains a financial service or product.[9]

1. Purposes for the sharing of confidential customer information with affiliates or with nonaffiliated third parties:

a. What types of information do financial institutions share with affiliates?

b. What types of information do financial institutions share with nonaffiliated third parties?

c. Do financial institutions share different types of information with affiliates than with nonaffiliated third parties? If so, please explain the differences in the types of information shared with affiliates and with nonaffiliated third parties.

d. For what purposes do financial institutions share information with affiliates?

e. For what purposes do financial institutions share information with nonaffiliated third parties?

f. What, if any, limits do financial institutions voluntarily place on the sharing of information with their affiliates and nonaffiliated third parties? Please explain.

g. What, if any, operational limitations prevent or inhibit financial institutions from sharing information with affiliates and nonaffiliated third parties? Please explain.

h. For what other purposes would financial institutions like to share information but currently do not? What benefits would financial institutions derive from sharing information for those purposes? What currently prevents or inhibits such sharing of information?

2. The extent and adequacy of security protections for such information:

a. Describe the kinds of safeguards that financial institutions have in place to protect the security of information. Please consider administrative, technical, and physical protections, as well as the protections that financial institutions impose on their third-party service providers.

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[2] Under subtitle A of title V of the GLBA, a financial institution generally is any banking institution, credit union, securities entity (such as a broker-dealer, mutual fund, or investment adviser), or insurance company, as well as any other business that engages in activities that are financial in nature under section 4(k) of the Bank Holding Company Act of 1956. *See* 15 U.S.C. 6809(3); 12 U.S.C. 1843(k). Futures entities (futures commission merchants, commodity trading advisors, commodity pool operators, and introducing brokers) are also financial institutions for purposes of subtitle A of title V of the GLBA, 7 U.S.C. 7b–2(a).

[3] Under the GLBA, a consumer in an individual who obtains from a financial institution financial product or services to be used primarily for personal, family, or household purposes, or that person's legal representative. *See, e.g.,* 12 CFR 40.3(e)(1).

[4] As further discussed below, nonpublic personal information generally is any personally identifiable financial information about the consumer, other than publicly available information. *See, e.g.,* 12 CFR. 40.3(n).

[5] Under the Fair Credit Reporting Act (FCRA) (15 U.S.C. 1681 *et seq.*), financial institutions generally must give consumers clear and conspicuous notice and the opportunity to opt out of transfers of certain types of information to affiliates to avoid becoming consumer reporting agencies, subject to certain exceptions. Consequently, some disclosures of information to affiliates whether or not limited by the GLBA, may be subject to the notice and opt-out provisions of the FCRA.

[6] 15 U.S.C. 6808.

[7] The federal functional regulators are: the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

[8] *See, e.g.,* 12 CFR 40.3(n), ''Nonpublic personal information'' means: (i) ''Personally identifiable financial information''; and (ii) any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available. ''Personally identifiable financial information'' means any information: (i) A consumer provides to a financial institution to obtain a financial product or service from the institution; (ii) about a consumer resulting from any transaction involving a financial product or service between a financial institution and a consumer; or (iii) the financial institution otherwise obtains about a consumer in connection with providing a financial product or service to that consumer. *See, e.g.,* 12 CFR 40.3(o).

[9] *See, e.g.,* 12 CFR 40.3(e)(1) and 40.3(h). Under GLBA regulations, a ''customer'' has an established, on-going relationship with a financial institution, whereas a ''consumer'' need not. No distinction is made for the purposes of questions raised in this notice: The terms are interpreted as equivalents, and thus a customer need not have a continuing or on-going relationship with a financial institution.

b. To what extent are the safeguards described above required under existing law, such as the GLBA (*see, e.g.,* 12 CFR 30, Appendix B)?

c. Do existing statutory and regulatory requirements protect information adequately? Please explain why or why not.

d. What, if any, new or revised statutory or regulatory protections would be useful? Please explain.

3. The potential risks for customer privacy of such sharing of information:

a. What, if any, potential privacy risks does a customer face when a financial institution shares the customer's information with an affiliate?

b. What, if any, potential privacy risks does a customer face when a financial institution shares the customer's information with a nonaffiliated third party?

c. What, if any, potential risk to privacy does a customer face when an affiliate shares information obtained from another affiliate with a nonaffiliated third party?

4. The potential benefits for financial institutions and affiliates of such sharing of information (specific examples, means of assessment, or evidence of benefits would be useful):

a. In what ways do financial institutions benefit from sharing information with affiliates?

b. In what ways do financial institutions benefit from sharing information with nonaffiliated third parties?

c. In what ways do affiliates benefit when financial institutions share information with them?

d. In what ways do affiliates benefit from sharing information that they obtain from other affiliates with nonaffiliated third parties?

e. What effects would further limitations on such sharing of information have on financial institutions and affiliates?

5. The potential benefits for customers of such sharing of information (specific examples, means of assessment, or evidence of benefits would be useful):

a. In what ways does a customer benefit from the sharing of such information by a financial institution with its affiliates?

b. In what ways does a customer benefit from the sharing of such information by a financial institution with nonaffiliated third parties?

c. In what ways does a customer benefit when affiliates share information they obtained from other affiliates with nonaffiliated third parties?

d. What, if any, alternatives are there to achieve the same or similar benefits for customers without such sharing of such information?

e. What effects, positive or negative, would further limitations on the sharing of such information have on customers?

6. The adequacy of existing laws to protect customer privacy:

a. Do existing privacy laws, such as GLBA privacy regulations and the Fair Credit Reporting Act (FCRA), adequately protect the privacy of a customer's information? Please explain why or why not.

b. What, if any, new or revised statutory or regulatory protections would be useful to protect customer privacy? Please explain.

7. The adequacy of financial institution privacy policy and privacy rights disclosure under existing law:

a. Have financial institution privacy notices been adequate in light of existing requirements? Please explain why or why not.

b. What, if any, new or revised requirements would improve how financial institutions describe their privacy policies and practices and inform customers about their privacy rights? Please explain how any of these new or revised requirements would improve financial institutions' notices.

8. The feasibility of different approaches, including opt-out and opt-in, to permit customers to direct that such information not be shared with affiliates and nonaffiliated third parties:

a. Is it feasible to require financial institutions to obtain customers' consent (opt in) before sharing information with affiliates in some or all circumstances? With nonaffiliated third parties? Please explain what effects, both positive and negative, such a requirement would have on financial institutions and on consumers.

b. Under what circumstances would it be appropriate to permit, but not require, financial institutions to obtain customers' consent (opt in) before sharing information with affiliates as an alternative to a required opt out in some or all circumstances? With nonaffiliated third parties? What effects, both positive and negative, would such a voluntary opt in have on customers and on financial institutions? (Please describe any experience of this approach that you may have had, including consumer acceptance.)

c. Is it feasible to require financial institutions to permit customers to opt out generally of having their information shared with affiliates? [10] Please explain what effects, both positive and negative, such a requirement would have on consumers and on financial institutions.

d. What, if any, other methods would permit customers to direct that information not be shared with affiliates or nonaffiliated third parties? Please explain their benefits and drawbacks for customers and for financial institutions of each method identified.

9. The feasibility of restricting sharing of such information for specific uses or of permitting customers to direct the uses for which such information may be shared:

a. Describe the circumstances under which or the extent to which customers may be able to restrict the sharing of information by financial institutions for specific uses or to direct the uses for which such information may be shared?

b. What effects, both positive and negative, would such a policy have on financial institutions and on consumers?

c. Please describe any experience you may have had of this approach.

Dated: February 4, 2002.

Sheila C. Bair,

Assistant Secretary of the Treasury.

[FR Doc. 02–3781 Filed 2–14–02; 8:45 am]

BILLING CODE 4810–25–P

[10] This question seeks views on a general opt out for sharing of information with affiliates and represents a broadening of opt-out provisions for affiliate sharing under the FCRA.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209106–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, REG–209106–89, Changes With Respect to Prizes and Awards and Employee Achievement Awards (§ 1.74–1(c)).

DATES: Written comments should be received on or before April 16, 2002, to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5575, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of regulation should be directed to Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.),* Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Changes With Respect to Prizes and Awards and Employee Achievement Awards.

OMB Number: 1545–1100.

Regulation Project Number: REG–209106–89 (formerly EE–84–89).

Abstract: This regulation requires recipients of prizes and awards to maintain records to determine whether a qualifying designation has been made in accordance with section 74(b)(3) of the Internal Revenue Code. The affected public are prize and award recipients who seek to exclude the cost of a qualifying prize or award.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 5,100.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 1,275.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 7, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3820 Filed 2–14–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8842

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8842, Election To Use Different Annualization Periods for Corporate Estimated Tax.

DATES: Written comments should be received on or before April 16, 2002, to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, or through the internet (*Larnice.Mack@irs.gov.*), Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Election To Use Different Annualization Periods for Corporate Estimated Tax.

OMB Number: 1545–1409.

Form Number: 8842.

Abstract: Form 8842 is used by corporations, tax-exempt organizations subject to the unrelated business income tax, and private foundations to annually elect the use of an annualization period under Internal Revenue Code section 6655(e)(2)(C)(i) or (ii) for purposes of figuring the corporation's estimated tax payments under the annualized income installment method.

Current Actions: There are no changes being made to the Form 8842 at this time.

Type of Review: Extension of a current OMB approval.

Affected Public: Business, or other for-profit organizations.

Estimated Number of Respondents: 1700.

Estimated Time Per Respondent: 3 hrs., 33 min.

Estimated Total Annual Burden Hours: 4335.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 7, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3821 Filed 2–14–02; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–45–93]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–45–93, Electronic Filing of Form W–4 (§ 31.3402(f)(5)–1).

DATES: Written comments should be received on or before April 16, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5575, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carol Savage, (202) 622–3945, or through the Internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Electronic Filing of Form W–4.

OMB Number: 1545–1435.

Regulation Project Number: EE–45–93.

Abstract: Information is required by the Internal Revenue Service to verify compliance with regulation section 31.3402(f)(2)–1(g)(1), which requires submission to the Service of certain withholding exemption certificates. The affected respondents are employers that choose to make electronic filing of Forms W–4 available to their employees.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 2,000.

Estimated Time Per Respondent: 20 hours.

Estimated Total Annual Burden Hours: 40,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 7, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3822 Filed 2–14–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 99–17

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 99–17, Mark to Market Election for Commodities Dealers and Securities and Commodities Traders.

DATES: Written comments should be received on or before April 16, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5575, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of revenue procedure should be directed to Carol Savage, (202) 622–3945, or through the Internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Mark to Market Election for Commodities Dealers and Securities and Commodities Traders.

OMB Number: 1545–1641.

Revenue Procedure Number: Revenue Procedure 99–17.

Abstract: This revenue procedure prescribes the time and manner for dealers in commodities and traders in securities or commodities to elect to use the mark-to-market method of accounting under sections 475(e) and (f) of the Internal Revenue Code. The collections of information in this revenue procedure are required by the IRS in order to facilitate monitoring taxpayers changing accounting methods resulting from making the elections under Code section 475(e) or (f).

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

The reporting burden for the collections of information in section 5.01–5.04 of this revenue procedure is as follows:

Estimated Number of Respondents/Recordkeepers: 1,000.

Estimated Time Per Respondent/Recordkeeper: 30 minutes.

Estimated Total Annual Reporting/Recordkeeping Hours: 500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 7, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3823 Filed 2–14–02; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register
Vol. 67, No. 32
Friday, February 15, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

Date: February 20, 2002 (9 a.m. to 5 p.m.).

Location: Grand Hyatt Washington, 1000 H Street, NW, Washington, D.C.

This meeting will feature discussion of the situation in Afghanistan and plans for the country's reconstruction. Participants will have an opportunity to ask questions of the speakers and to discuss the issues in more depth in small groups.

The meeting is free and open to the public. Persons wishing to attend the meeting can fax or e-mail their name to Larritus Jackson, 202–347–9212, *pvcsupport@datexinc.com.*

Dated: February 11, 2002.

Noreen O'Meara,

Executive Director, Advisory Committee on Voluntary Foreign Aid (ACVFA).

[FR Doc. 02–3705 Filed 2–14–02; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Request for Reinstatement of a Previously Approved Information Collection

AGENCY: Commodity Credit Corporation (CCC).

ACTION: Proposed information collection and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces CCC's intention to request reinstatement for a previously approved information collection. The information collection is in support of the regulation for the voluntary assignment of cash payments made by Farm Service Agency or CCC to a third party. In addition, a payment recipient may voluntarily elect to have a cash payment made jointly to the payment recipient and a third party.

DATES: Comments on this notice must be received on or before April 16, 2002 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Deborah Simmons, Financial Specialist, USDA, FSA, FMD, STOP 0581, 1400 Independence Avenue, SW, Washington, DC 20250–0581; telephone (703) 305–1309; e-mail *Debbie_Barker@wdc.fsa.usda.gov;* or facsimile (703) 305–1144.

SUPPLEMENTARY INFORMATION:

Title: Assignment of Payment and Joint Payment Authorization.

OMB Control Number: 0560–0183.

Type of Request: Reinstatement of a previously approved information collection.

Abstract: CCC is requesting reinstatement of the OMB clearance for Forms CCC–36, Assignment of Payment, CCC–37, Joint Payment Authorization, CCC–251, Notice of Assignment, and CCC–252, Instrument of Assignment. The Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) authorizes producers to assign, in writing, FSA conservation program payments. The statute requires that any such assignment be signed and witnessed. The Agricultural Act of 1949, as amended, extends that authority to CCC programs, including rice, feed grains, cotton, and wheat.

There are no regulations governing joint payments, but this service is offered as a result of public requests for this type of payment option.

Estimate of Respondent Burden: Public reporting burden for this collection of information is estimated to average 3.75 minutes per response.

Respondents: Producers.

Estimated Number of Respondents: 70,450.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 3.75 minutes.

Comments are sought on these requirements including: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Deborah Simmons, Financial Specialist, USDA–FSA–FMD, STOP 0581, 1400 Independence Avenue, SW., Washington, DC 20250–0581; telephone (703) 305–1309; e-mail *Debbie_Barker@wdc.fsa.usda.gov;* or facsimile (703) 305–1144. Copies of the information collection may be obtained from Ms. Simmons at the above address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, DC, on February 4, 2002.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 02–3707 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Farm Service Agency; Request for Approval of a New Information Collection

AGENCY: Commodity Credit Corporation (CCC), Farm Service Agency (FSA), USDA.

ACTION: Proposed information collection and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Farm Service Agency's (FSA) and Commodity Credit Corporation's (CCC) intention to request a new information collection. The first information collection will be used in support of the Debt Collection Improvement Act of 1996, which

requires disbursements to be made via an electronic funds transfer (EFT) mechanism unless the payment recipient has a waiver from the Secretary of Treasury. The Secretary of Treasury has granted a waiver for any individual for whom payment by an EFT mechanism would create a hardship. CCC and FSA have developed a waiver form that may be filed by a payment recipient for whom payment by an EFT mechanism would create a hardship. The second information collection will be used when necessary to request a replacement check for a check that was not received by the intended recipient. The information collection provides an undertaking of indemnity as required by Government Accounting Office standards.

DATES: Comments on this notice must be received on or before April 16, 2002 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Deborah Simmons, Financial Specialist, USDA, FSA, FMD, STOP 0581, 1400 Independence Avenue, SW, Washington, DC 20250–0581; telephone (703) 305–1309; e-mail *Debbie_Barker@wdc.fsa.usda.gov;* or facsimile (703) 305–1144.

SUPPLEMENTARY INFORMATION:

Title: Electronic Funds Transfer (EFT) Hardship Waiver Request.

OMB Control Number: 0560–NEW.

Type of Request: Approval of a new information collection.

Abstract: The Debt Collection Improvement Act of 1996 requires that all Federal payments other than payments under the Internal Revenue Code of 1986, must be made by an EFT mechanism effective January 1, 1999. In 31 CFR 208, the Secretary of Treasury granted a waiver of the EFT requirement to any individual for whom payment by an EFT mechanism would create a hardship. A Federal agency is required to send a disclosure letter regarding the EFT requirement to any individual that continues to receive payment by paper check, unless the individual has invoked a self-certified hardship waiver.

Individuals that wish to invoke a self-certified hardship waiver of the EFT requirement must provide specific data related to the individual. The form included in this information collection package would require the full name and address of the requestor, a signature, and the date signed. The completed form must be returned to an FSA office. Without collection of this information, FSA must continue to mail a disclosure letter regarding the EFT requirement with every paper check issued to the individual.

Estimate of Respondent Burden: Public reporting burden for this collection of information is estimated to average 5 minutes per response.

Respondents: Individuals requesting a self-certified hardship waiver of the EFT requirement.

Estimated Number of Respondents: 100,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 20 minutes.

SUPPLEMENTARY INFORMATION:

Title: Undertaking of Indemnity.

OMB Control Number: 0560–NEW.

Type of Request: Approval of a new information collection.

Abstract: CCC disburses funds using a CCC check or a commodity certificate when payment is not disbursed through an EFT mechanism. When an issued CCC check or commodity certificate is not received by the intended recipient, or is received and later becomes lost, stolen or destroyed, the intended recipient may sign an undertaking of indemnity to request that the CCC check or commodity check be replaced.

Estimate of Respondent Burden: Public reporting burden for this collection of information is estimated to average 30 minutes per response.

Respondents: Individuals, partnerships or corporations.

Estimated Number of Respondents: 1,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 45 minutes.

Comments are sought on these requirements including: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to the Desk Officer for Agriculture, Office in Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Deborah Simmons, Financial Specialist, USDA–FSA–FMD, STOP 0581, 1400 Independence Avenue, SW, Washington, DC 20250–0581; telephone (703) 305–1309; e-mail Debbie_Barker@wdc.fsa.usda.gov; or facsimile (703) 305–1144. Copies of the information collection may be obtained from Ms. Simmons at the above address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, DC, on February 1, 2002.

Larry Walker,

Acting Administrator, Farm Service Agency and Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 02–3708 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Rams Horn Project, Mark Twain National Forest, Phelps and Pulaski Counties MO

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to analyze and disclose the environmental effects of proposed land management activities and corresponding alternatives within the Rams Horn project area. The Rams Horn project area is located immediately east of Fort Leonard Wood Military Reservation on National Forest System lands administered by the Houston/Rolla/Cedar Creek Ranger District in the Spring Creek and Big Piney River watersheds, southwest of Rolla, Missouri. The legal description of the project area is: Township 34 North, Range 9 West, sections 4–6; Township 34 North, Range 10 West, sections 1, 2; Township 35 North, Range 9 West, sections 6, 7, 16–21, 26–36; Township 36 North, Range 10 West, sections 34–36, Fifth Principal Meridian.

The purpose of this project is to implement land management activities that are consistent with the direction in the Mark Twain Land and Resource Management Plan (Forest Plan) and respond to specific needs identified in the project area. The project-specific needs include addressing: wildlife habitat maintenance and improvement, reduction of non-native invasive noxious weeds, watershed rehabilitation, recreation management, and associated or connected actions.

DATES: Initials comments concerning the scope of the analysis should be received within 30 days following publication of

this notice to receive timely consideration in the preparation of the draft EIS.

ADDRESSES: Send written comments and suggestions on the proposed action or requests to be placed on the project mailing list to: John C. Bisbee, District Ranger, Houston/Rolla/Cedar Creek Ranger District, 108 South Sam Houston Boulevard, Houston, Missouri 65483. E-mail should have a subject line that reads ''NEPA Houston'' and be sent to: *mailroom_r9_mark_twain@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Mark Hamel, Project Leader/NEPA Coordinator, Houston/Rolla/Cedar Creek Ranger District, 108 South Sam Houston Boulevard, Houston, Missouri 65483, phone (417) 697–4194.

SUPPLEMENTARY INFORMATION: The information presented in this notice is included to help the reviewer determine if they are interested in or potentially affected by the proposed land management activities. The information presented in this notice is summarized. Those who wish to provide comments, or are otherwise interested in or affected by the project, are encouraged to obtain additional information from the contact identified in the **FOR FURTHER INFORMATION CONTACT** Section.

Proposed Action

The proposed land management activities (proposed actions) include the following, with approximate values: (1) *Wildlife habitat maintenance and improvement*—(a) Maintain 200 acres of unique post oak savanna habitat by personnel use firewood removal and prescribed burning, (b) maintain 400 acres of unique post oak savanna habitat by prescribed burning. (c) maintain existing open and semi open habitat by utilizing prescribed fire on 1,050 acres, (d) maintain existing open and semi open habitat by utilizing grazing and/or prescribed fire on 100 acres, (e) maintain existing open and semi open habitat by utilizing mechanical means such as brush hogging and/or prescribed fire on 100 acres, (f) enhance the warm season grass component in existing open and semi open habitat by planting 50 acres with Gamma grass, (g) maintain and enhance habitat for old growth wildlife species by designating 1,600 acres of old growth, and, (h) create 1,100 acres of 0–9 age class habitat (would be accomplished with: group selection harvest on 1,400 acres, shelterwood harvest on 550 acres, clearcut harvest on 400 acres) and 700 acres of Woodland Habitat in Oak, Oak-Pine, and Pine which exhibits a condition of 20–30 percent forbs, grass and shrub ground cover (would be accomplished with: group selection harvest on 1,400 acres, commercial thinning on 400 acres, and thinning on 400 acres of pine plantations to encourage oak regeneration), (2) *Reduction of non-native invasive noxious weeds*—eliminate multi-flora rose on 100 acres through the use of herbicides; (3) *Watershed rehabilitation*—(a) improve bottomland riparian habitat by planting hardwoods on 50 acres, (b) improve bottomland riparian habitat by removing existing river access sites and access roads, (c) improve overall watershed health by closing and rehabilitating 2 miles of old non system road corridors, and, (d) improve existing stream crossing; (4) *Recreation management*—(a) improve an existing river access site by providing proper parking facilities for canoeists, and, (b) relocate an existing river access site (will require construction of ¼ mile of new system road and parking area) because of watershed concerns and for public safety; (5) *Associated or connected actions*—actions pertinent to this project, such as; (a) construction and obliteration of 10 miles of temporary road to accomplish some of the items listed in (item 1) above, (b) fire line construction, etc.

Decision Space

Decision making will be limited to activities relating to the proposed actions. The primary decision to be made will be whether or not to implement the proposed actions listed above, a no-action alternative, or another alternative that responds to the projects purpose and needs.

Preliminary Issues

Preliminary comments made by the public and agencies were considered in the development of the tentative or preliminary issues. These are as follows: effects on Threatened, Endangered, and Sensitive (TES) species and Management Indicator Species (MIS); concern over new road construction, and road closures; concern over motorized recreational access; current and designated old growth; current vegetative patterns, and species composition; and effects of restoration activities to the overall watershed.

Public Participation

The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies, the Osage Tribe, and other individuals or organizations that may be interested in or affected by the proposed actions. Comments received in response to this notice will become a matter of public record. While public participation in this analysis is welcome at any time, comments on the proposed actions received within 30 days of the publication of this notice will be especially useful in the preparation of the draft EIS. Timely comments will be used in preparation of the draft EIS. The scoping process will be used to: identify potential issues; identify additional alternatives to the proposed action; and, identify potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects). In addition, the public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision.

Estimated Dates for Filing

The draft EIS is expected to be filed with the Environmental Protection Agency and available for public review in April 2002. A 45-day comment period will follow publication of a Notice of Availability of the draft EIS in the **Federal Register.** Comments received on the draft EIS will be analyzed and considered in preparation of a final EIS, expected in June 2002. A Record of Decision (ROD) will also be issued at that time along with the publication of a Notice of Availability of the final EIS and ROD in the **Federal Register**.

Reviewers Obligation To Comment

The Forest Service believes it is important at this early stage to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the draft EIS must structure their participation in the environmental review of the proposal in such a way that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 513 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F2d 1016, 1022 (9th Cir, 1986), and *Wisconsin Heritage Inc.* v. *Harris,* 490 F.Supp. 1334, 1338 (E.D. Wis., 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment prior of the draft EIS in order that substantive comments and objections are available to the Forest Service at a time when it can meaningfully consider then and respond to them in the final EIS. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as

specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Responsible Official

The responsible official for this environmental impact statement is Randy Moore, Forest Supervisor, Mark Twain National Forest.

Dated: January 18, 2002.

John C. Bisbee,

District Ranger, Mark Twain National Forest.

[FR Doc. 02–3776 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Washington Cascades Provincial Advisory Committee and Yakima Provincial Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee will meet on Thursday, March 7, 2002, at the Wenatchee National Forest headquarters main conference room, 215 Melody Lane, Wenactchee, Washington. The meeting will begin at 9 a.m. and continue until 4 p.m. During this meeting we will discuss the Forest Supervisor's response to committee advice on noxious weed management, and also participate in a discussion of proposed public involvement for an upcoming forest roads inventory. All Eastern Washington Cascades and Yakima Province Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801, 509–662–4335.

Dated: February 7, 2002.

Paul Hart,

Designated Federal Official, Okanogan an Wenatchee National Forests.

[FR Doc. 02–3727 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: North Central Idaho Resource Advisory Committee, Grangeville, Idaho, USDA, Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Nez Perce and Clearwater National Forests' North Central Idaho Resource Advisory Committee will meet Friday, March 8, 2002 in Orofino, Idaho for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on March 8 begins at 10:00 AM, in Room 2b, Latah County Courthouse, 522 S. Adams Street, Moscow, Idaho 83843. Agenda topics will include discussion of project screening and selection process. A public forum will begin at 2:30 PM (PST).

FOR FURTHER INFORMATION CONTACT: Ihor Mereszczak, Staff Officer and Designated Federal Officer, at (208) 983–1950.

Dated: February 8, 2002.

Ihor Mereszczak,

Acting Forest Supervisor.

[FR Doc. 02–3777 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Appointment to the Advisory Committee on Agriculture Statistics

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notification of appointment to the Advisory Committee on Agriculture Statistics.

SUMMARY: The Office of the Secretary of Agriculture, in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, announces members appointed to the Advisory Committee on Agriculture Statistics. The appointment for the twenty-five member committee, which has representation across seven categories which covers a broad range of agricultural disciplines and interests, was signed on February 5, 2002. Appointed members by their associated category are: Consumer and Information Organizations—Robert W. Spear, Nobleboro, ME; Ross Ronald Racine, Billings, MT; James Dennis Rieck, Winfield, IL. Educational Organizations—Ling-Jung (Kelvin) Koong, Corvallis, OR; Bobby Ray Phills, Tallahassee, FL; Gumecindo Salas, Springfield, VA. Farm Services Organizations—Jacklyn M. Folsom, Cabot, VT; John Irving Gifford, Rock Island, IL; Jack Charles Mitenbuler, Indianapolis, IN; Ranvir Singh, Marysville, CA; Mark Edward Whalon, East Lansing, MI. Government Agencies—Robert Dale Epperson, Fresno, CA. National Farm Organizations—Carol Ann Gregg, Grove City, PA; Mark W. Jenner, Mt. Prospect, IL; Sheila Kay Massey, Animas, NM; Ivan W. Wyatt, Cedar Point, KS. Producer and Marketing Organizations—Mark Dale Lange, Cordova, TN; Andrew William LaVigne, Lakeland, FL; Roger M. Cryan, Fairfax, VA; Ashby Pamplin Ruden, Reston, VA; Lee F. Schrader, West Lafayette, IN; Topper Thorpe, Castle Rock, CO; Hugh Anslum Warren, Greenwood, MS. Professional Organizations—Walter J. Armbruster, Darien, IL; Ronald C. Wimberley, Raleigh, NC.

Comments: The duties of the Committee are solely advisory. The Committee will make recommendations to the Secretary of Agriculture with regards to the agricultural statistics program of the National Agricultural Statistics Service (NASS) and such other matters as it may deem advisable, or which the Secretary of Agriculture, Under Secretary for Research, Education, and Economics, or the Administrator of NASS may request. The Advisory Committee will be meeting on February 19–20, 2002. All meetings are open to the public. Committee members will be reimbursed for official travel expenses only.

FOR FURTHER INFORMATION CONTACT: *Additional Information:* Questions should be e-mailed to *hq_aa@nass.usda.gov,* faxed to (202) 720–9013, or telephoned to Rich Allen, Associate Administrator, NASS, at (202) 720–4333. All mailed correspondence should be sent to Rich Allen, Associate Administrator, U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue SW, Room 4117 South Building, Washington, DC 20250–2000.

Signed at Washington, DC, February 6, 2002.

R. Ronald Bosecker,

Administrator, National Agricultural Statistics Service.

[FR Doc. 02–3800 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–20–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 18, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: On October 26, 2001 and January 4, 2002 the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 FR 54193/94 and 67 FR 556) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will not have a severe economic impact on current contractors for the products and services.

3. The action will result in authorizing small entities to furnish the commodities and products and services.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay Act (41 U.S.C.46–48c) in connection with the products and services proposed for addition to the Procurement List.

Accordingly, the following products and services are added to the Procurement List:

Products

Product/NSN: Ballistic Protection Carrier/8470–00-NSH–0001.
NPA: Chautauqua County Chapter, NYSARC, Jamestown, New York.
Contract Activity: U.S. Army Material Command Acquisition Center.

Product/NSN: Insert, Flotation, Hardcell/8470–00-NSH–0002.
NPA: Chautauqua County Chapter, NYSARC, Jamestown, New York.
Contract Activity: U.S. Army Material Command Acquisition Center.

Product/NSN: Pocket, Helicopter Aviation Breathing Device/8470–00–NSH–0003.
NPA: Chautauqua County Chapter, NYSARC, Jamestown, New York.
Contract Activity: U.S. Army Material Command Acquisition Center.

Services

Service Type/Location: Administrative/General Support Services/Minerals Management Service, DOI, Herndon, Virginia.
NPA: ServiceSource, Inc., Alexandria, Virginia.
Contract Activity: Minerals Management Service, DOI.

Service Type/Location: Janitorial/Custodial/Veterans Affairs Medical Center (OI Services Center, Edward Hines Jr.), Hines, Illinois.
NPA: Jewish Vocational Service & Employment Center, Chicago, Illinois.
Contract Activity: Department of Veterans Affairs, VA Medical Center, Brecksville Ohio.

Service Type/Location: Laundry Service/VA Medical Center, Cheyenne, Wyoming, Laundry Service/VA Medical Center, Denver, Colorado, Laundry Service/VA Medical Center, Pueblo, Colorado.
NPA: Goodwill Industrial Services Corporation, Colorado Springs, Colorado.
Contract Activity: Department of Veterans Affairs, VA Medical Center, Denver, Colorado.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,
Director, Information Management.

[FR Doc. 02–3782 Filed 2–14–02; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List a product and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete products and services previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 18, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and services to the Government.

2. The action will result in authorizing small entities to furnish the product and services to the government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product and services proposed for addition to the Procurement List. Comments on this certification are invited.

Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following product and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Product/NSN: Waterbag, Suppression, 55 Gallon/8465–01–369–2148.
NPA: Work Services Corporation, Wichita Falls, Texas.

Contract Activity: GSA, General Products Commodity Center, Fort Worth, Texas.

Services

Service Type/Location: Central Facility Management/Interstate Commerce Commission Building/U.S. Customs Building/Connecting Wing, Washington, DC.
NPA: The Chimes, Inc., Baltimore, Maryland.
Contract Activity: GSA, Public Buildings Service.

Service Type/Location: Distribution of Licensed Products for the Gang Related Education and Training (G.R.E.A.T) Program/ Department of the Treasury, Bureau of ATF, Washington, DC (25% of the Total Requirement).
NPA: Industries for the Blind, Inc., Milwaukee, Wisconsin.
Contract Activity: Department of the Treasury/Bureau of ATF (Acquisition and Property Management Division).
Service Type/Location: Grounds Maintenance/Naval Undersea Warfare Center Division, Keyport, Washington.
NPA: Skookum Educational Programs, Port Townsend, Washington.
Contract Activity: Naval Undersea Warfare Center Division, Keyport, Washington.

Service Type/Location: Janitorial/ Custodial/Peace Bridge Complex, Buffalo, New York.
NPA: Suburban Adult Services, Inc., Sardinia, New York.
Contract Activity: GSA, Public Buildings Service.

Service Type/Location: Janitorial/ Custodial/Veterans Affairs Outpatient Clinic, Greenville, South Carolina.
NPA: Greenville Rehabilitation Center, Greenville, South Carolina.
Contract Activity: Department of Veterans Affairs.

Service Type/Location: Maintenance and Repair of Portable Light Towers/Basewide, Fort Hood, Texas.
NPA: Professional Contract Services, Inc., Austin, Texas.
Contract Activity: Army III Corps and Ft Hood Contracting CMD, Ft. Hood, Texas.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:
1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action will result in authorizing small entities to furnish the products and services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay Act (41 U.S.C.46–48c) in connection with the products and services proposed for deletion from the Procurement List.

The following products and services are proposed for deletion from the Procurement List:

Products

Product/NSN: Paper, Looseleaf, Ruled/ 7530–00–286–4332.
NPA: Alabama Industries for the Blind, Talladega, Alabama.
Contract Activity: Office Supplies & Paper Products Commodity Center, New York.
Product/NSN: Paper, Tabulating Machine/ 7530–00–138–9919.
NPA: Lighthouse for the Blind, St. Louis, Missouri.
Contract Activity: Social Security Administration, Baltimore, Maryland.

Services

Service Type/Location: Grounds Maintenance/Brooks Air Force Base (Koritz Memorial Garden), Brooks AFB, Texas.
NPA: Goodwill Industries of San Antonio, San Antonio, Texas.
Contract Activity: Department of the Air Force.
Service Type/Location: Janitorial/ Custodial/Brooks Air Force Base (Base Wide) Brooks AFB, Texas.

NPA: Goodwill Industries of San Antonio, San Antonio, Texas.
Contract Activity: Department of the Air Force.

Service Type/Location: Janitorial/ Custodial/Federal Complex, Kansas City, Missouri.
NPA: Independence & Blue Springs Industries, Inc., Independence, Missouri.
Contract Activity: General Services Administration.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–3783 Filed 2–14–02; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 14–2002]

Foreign-Trade Zone 153—San Diego, California; Application for Subzone; DNP Electronics America, LLC (Projection Television Screens) Chula Vista, California

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of San Diego, grantee of FTZ 153, requesting special-purpose subzone status for the manufacturing and warehousing facilities of DNP Electronics America, LLC (DNP), located in Chula Vista, California. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 8, 2002.

The DNP facility (5.4 acres, 80 employees), is located at 2391 Fenton Street, Chula Vista, California. The facility will initially be used for the manufacturing and warehousing of projection television screens (HTS 9010.60.00, duty rate 2.6%). Components and materials sourced from abroad (representing 100% of all parts consumed in manufacturing) include: UV resin, and acrylic plates (HTS 3824.90.9150, 3920.51.5000 and 3921.19.0000, duty rate ranges from 5.0% to 6.5%). The application also requests authority for future manufacturing of shadowmask (HTS 8540.91.50, 5.4%), LCD color filters (HTS 9001.20.00, 3.5%), photomasks (HTS 3705, duty-free), and lead frames (HTS 8542, duty-free) using the following imported components: chemical products, plates of plastic, glass plate for photomask and color filter, metal coil for shadow mask and aperture grille, metal coil for lead frame, nickel plates and parts for projection screens (HTS 3824, 3920, 3921, 7014.00.50, 7209.28.0000, 7225.99.0000, 7226.99.0000, 7410.22.0000, 7506, and 9010, duty rate ranges from duty-free to 8.4%).

FTZ procedures would exempt DNP from Customs duty payments on the foreign components used in export production. Some 80 percent of the plant's shipments are exported. On its domestic sales, DNP would be able to choose the duty rates during Customs entry procedures that apply to finished screens (2.6%) for the foreign inputs noted above. In addition, DNP products shipped to domestic television manufacturers with subzone status could be subject to the finished or unfinished television duty rate. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted

during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce Export Assistance Center, 6363 Greenwich Drive, Suite 230San Diego, CA 92122.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3807 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 13–2002]

Foreign-Trade Zone 27—Boston, Massachusetts; Application for Subzone; Reebok International, Ltd., (Distribution of Footwear), Lancaster, Stoughton and Norwood, Massachusetts

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Massachusetts Port Authority, grantee of FTZ 27, requesting special-purpose subzone status for the warehousing facilities of Reebok International, Ltd. (Reebok), located in Lancaster, Stoughton and Norwood, Massachusetts. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 7, 2002.

The Reebok facility is comprised of three sites with some 450 employees in Norfolk and Worcester County, Massachusetts: Site 1 (34 acres, 485,000 square feet)—located at 100 Technology Center Drive, Stoughton, Norfolk County; Site 2 (55 acres, 212,000 square feet)—located at 625 University Avenue, Norwood, Norfolk County; and Site 3 (137 acres, 285,000 square feet)—located at 580 Fort Pond Road, Lancaster, Worcester County. The facilities are used for the storage and distribution of imported footwear (primarily HTS 6402.19, 6402.91, 6402.99, 6403.19, 6403.91, 6403.99, 6404.11, 6405.10, and 6406.99, duty rate ranges from duty-free to 48%).

Zone procedures would exempt Reebok from Customs duty payments on products that are reexported. On its domestic sales, the company would be able to defer duty payments until merchandise is shipped from the plant and entered for consumption. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230. The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce Export Assistance Center, World Trade Center, Suite 307, 200 Seaport Avenue, Boston, MA 02210.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3813 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foregin-Trade Zones Board

[Docket 12–2002]

Foreign-Trade Zone 28—New Bedford, MA; Application for Subzone Status; Brittany Dyeing & Printing Corporation, (Textile Finishing)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of New Bedford, grantee of FTZ 28, requesting special-purpose subzone status for the textile finishing plant of Brittany Dyeing & Printing Corporation (Brittany), located in New Bedford, Massachusetts. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 7, 2002.

The Brittany plant (3 acres/226,000 sq.ft.) is located at 1357 Rodney French Boulevard in the city of New Bedford, Massachusetts. The facility (247 employees) is used to process customer-owned textile fabrics for the U.S. market and export. In this activity, foreign, quota-class woven fabrics (HTSUS 5208.11.20, .40, .80; 5208.12.40, .60, .80; 5209.11.00) would be admitted to the zone under privileged foreign status (19 CFR 146.41) in greige form to be dyed, printed, and finished using domestic dyes and chemicals. The finishing activity may involve shrinking, sanferizing, desizing, sponging, bleaching, cleaning/laundering, calendaring, hydroxilating, decatizing, fulling, mercerizing, chintzing, moiring, framing/beaming, stiffening, weighting, crushing, tubing, thermofixing, anti-microbial finishing, shower proofing, flame retardation, and embossing of customer-owned fabric. The finished privileged foreign status fabric would either be exported from the proposed subzone or be transferred for Customs entry under its original textile quota and HTS classifications (no activity would be permitted that would result in transformation, tariff shift, or change in quota class or country of origin), with appropriate duty assessment and quota decrement.

FTZ procedures would exempt Brittany from Customs duty payments on the foreign fabric processed for re-export. On shipments for the U.S. market, full duty payment would be deferred until the fabric is transferred from the zone for Customs entry. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the following addresses:

1. Submissions via Express/Package Delivery Services: Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building-Suite 4100W, 1099 14th Street, NW, Washington, DC 20005; or,

2. Submissions via the U.S. Postal Service: Foreign-Trade Zones Board,

U.S. Department of Commerce, FCB–4100W, 1401 Constitution Ave., NW., Washington, DC 20230.

The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address No.1 listed above and at the U.S. Department of Commerce Export Assistance Center, Suite 307, World Trade Center, 164 Northern Avenue, Boston, MA 02210.

Dated: February 7, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3812 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 11–2002]

Foreign-Trade Zone 61—San Juan, Puerto Rico; Request for Extension; Baxter Healthcare Corporation of Puerto Rico, (Pharmaceuticals)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Promoexport Puerto Rico, grantee of FTZ 61, requesting to extend special-purpose subzone status at Subzone 61H, the pharmaceutical manufacturing plant of Baxter Healthcare Corporation of Puerto Rico (Baxter), located in Guayama, Puerto Rico. It was formally filed on February 7, 2002.

Board Order 875 (62 FR 10521, 3/7/97) authorized Subzone 61H for a period of 5 years (to February 25, 2002), subject to extension. PromoExport Puerto Rico is now requesting that the manufacturing authority for Subzone 61H be extended on a permanent basis. The approved scope of authority includes the following specific items: trifluoroethanol, chlorodifluoromethane, and a plastic valve assembly (to administer anesthetics). It also includes materials in the following general categories: gums, starches, waxes, vegetable extracts, mineral oils, sugars, empty capsules, protein concentrates, prepared animal feed, mineral products, inorganic acids, chlorides, chlorates, sulfites, sulfates, phosphates, cyanides, silicates, radioactive chemicals, rare-earth metal compounds, hydroxides, hydrazine and hydroxylamine, chlorides, phosphates, carbonates, hydrocarbons, alcohols, phenols, ethers, epoxides, acetals, aldehydes, ketone function compounds, mono- and polycarboxylic acids, phosphoric esters, amine-, carboxymide, nitrile- and oxygen-function compounds, heterocyclic compounds, sulfonamides, insecticides, rodenticides, fungicides and herbicides, fertilizers, vitamins, hormones, antibiotics, gelatins, enzymes, pharmaceutical glaze, essential oils, albumins, gelatins, activated carbon, residual lyes, acrylic polymers, color lakes, soaps and detergents, various packaging and printing materials, medicaments, pharmaceutical products, and instruments and appliances used in medical sciences.

FTZ procedures exempt Baxter from Customs duty payments on foreign materials used in production for export. Some 30 percent of production is currently exported. On domestic sales, the company can choose the duty rates that apply to the finished products (duty-free). The duty rates on foreign-sourced items range from duty-free to 18.6 percent. Currently, zone savings involve choosing the finished product duty rate on SUPRANE, FORANE and AERRANE anesthetics (duty-free), rather than the rates for the foreign component: trifluoroethanol (HTSUS #2905.59.1000, duty rate—5.5%). The request indicates that the savings from FTZ procedures will continue to help improve the facility's international competitiveness. In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW, Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 525 F.D. Roosevelt Ave., Suite 905, San Juan, PR 00918.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3811 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 15–2002]

Foreign-Trade Zone 78—Nashville, TN; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Metropolitan Government of Nashville and Davidson County, grantee of FTZ 78, requesting authority to expand its zone in the Nashville, Tennessee, area. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 8, 2002.

FTZ 78 was approved on April 2, 1982 (Board Order 190, 47 FR 16191, 4/15/82) and expanded on February 18, 1999 (Board Order 1024, 64 FR 9472, 2/26/99) and on October 24, 2000 (Board Order 1124, 65 FR 66231, 11/3/00). The zone currently consists of seven sites in the Nashville, Tennessee area: *Site 1*—(52,000 square feet) within a 200,000 square foot warehouse located at 750 Cowan Street, Nashville; *Site 2*—(57 acres) within the 2,000-acre Cockrill Bend Industrial Park, Nashville; *Site 3*—(400,000 square feet) located at 323 Mason Road, La Vergne; *Site 4*—(39 acres) Space Park North Industrial Park, 1000 Cartwright Street, Goodlettsville; *Site 5*—(19 acres) Old Stone Bridge Industrial Park, Old Stone Bridge, Goodlettsville; *Site 6*—(806 acres) located at Nashville International Airport, One Terminal Drive, Nashville; and, *Site 7*—(38 acres) located within the Eastgate Business Park at 3850 Eastgate Boulevard, Lebanon, and at a *Temporary Site*—(403,750 sq. ft.) located within the Eastgate Business Park at 7800 Eastgate Boulevard, Lebanon (expires 11/1/03).

The applicant is now requesting authority to expand Site 7 to include an additional parcel (41.5 acres) located within the Eastgate Business Park at

7800 Eastgate Boulevard in Lebanon. The facility will be operated by IEC Logistics as a public warehouse facility. The proposed expansion will also include the temporary site as part of Site 7 on a permanent basis. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Execuitve Secretary at one of the addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street NW, Washington, DC 20005; or,

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue NW, Washington, DC 20230.

The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board at the first address listed above and at the U.S. Department of Commerce, Export Assistance Center, Commerce Center Building, 211 Commerce Street, Third Floor, Suite 300, Nashville, TN 37201–1802.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3808 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 10–2002]

Foreign-Trade Zone 36—Galveston, TX; Application for Subzone; Deepsea Flexibles, Inc., (Flexible Pipeline Manufacturing), Galveston, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Galveston, grantee of FTZ 36, requesting special-purpose subzone status for the manufacturing and warehousing facilities of Deepsea Flexibles, Inc. (Deepflex), located in Galveston, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 6, 2002.

The Deepflex facility (1.5 acres, 31 employees), is located at 3306 Wharf Road, Galveston, Texas (Galveston County). The facility is used for the manufacturing and warehousing of flexible pipelines. The only component sourced from abroad (representing about 10% of all parts consumed in manufacturing) is poly para-phenylene terephthalamide (PPD-T aramid fiber) (HTS 5402.10.3050, duty rate 9%). The company is requesting authority to use zone procedures only for product that will be exported. The aramid fiber used on any finished product sold for domestic consumption will be entered for consumption and duty paid prior to manufacturing in the zone.

FTZ procedures would exempt Deepflex from Customs duty payments on the aramid fiber used in export production. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW, Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW, Washington, DC 20230. The closing period for their receipt is April 16, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 1, 2002).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce Export Assistance Center, 500 Dallas, Suite 1160, Houston, TX 77002.

Dated: February 8, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–3810 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–837]

Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan: Notice of Rescission of Antidumping Duty Administrative Review

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

ACTION: Notice of Rescission of Antidumping Duty Administrative Review.

SUMMARY: In response to a timely request from the petitioner, Goss Graphic Systems, Inc., on October 26, 2001, the Department of Commerce published a notice of initiation of an administrative review of the antidumping duty order on large newspaper printing presses and components thereof, whether assembled or unassembled, from Japan with respect to Mitsubishi Heavy Industries, Ltd. and Tokyo Kikai Seisakusho, Ltd., covering the period September 1, 2000, through August 31, 2001. On December 21, 2001, the petitioner timely notified the Department of its withdrawal from this and all other segments of the proceeding concerning large newspaper printing presses and components thereof, whether assembled or unassembled, from Japan.

On January 16, 2001, the Department published its partial revocation of the order on large newspaper printing presses and components thereof, whether assembled or unassembled, from Japan with respect to Tokyo Kikai Seisakusho, Ltd., effective September 1, 2000. Accordingly, the Department is now rescinding this review with respect to this company.

In accordance with 19 CFR 351.213(d)(1), the Department of Commerce is also rescinding this review with respect to Mitsubishi Heavy Industries because the petitioner has withdrawn its interest (and thus its request) in this review and no other interested parties have requested a review.

EFFECTIVE DATE: February 15, 2002.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Katherine Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4136 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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

Background

On September 4, 2001, the Department published in the Federal Register (66 FR 46257) a notice of ''Opportunity To Request Administrative Review'' of the antidumping duty order on large newspaper printing presses and components thereof, whether assembled or unassembled (''LNPPs''), from Japan for the period from September 1, 2000, through August 31, 2001. On September 28, 2001, the petitioner requested an administrative review of the above-referenced antidumping duty order for the period from September 1, 2000, through August 31, 2001, for Mitsubishi Heavy Industries, Ltd. (''MHI'') and Tokyo Kikai Seisakusho, Ltd. (''TKS''). On October 26, 2001, the Department published a notice of initiation of an administrative review of the antidumping duty order on LNPPs from Japan with respect to these companies. See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 66 FR 54195 (October 26, 2001).

Recission of Review

On December 21, 2001, the petitioner timely withdrew its participation from this review with respect to MHI and TKS. We interpret the petitioner's withdrawal of interest in this review to constitute withdrawal of its request for this review. Section 19 CFR 351.213(d)(1) of the Department's regulations stipulates that the Secretary may permit a party that requests a review to withdraw the request no later than 90 days after the date of publication of the notice of initiation of the requested review. In this case, the petitioner has withdrawn its request for review within the 90–day period. No other interested party requested a review. Furthermore, on January 16, 2001, the Department published its partial revocation of the order on LNPPs from Japan with respect to TKS, effective September 1, 2000, pursuant to the completion of the final results of the third administrative review of the order for TKS. See Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Japan: Final Results of Antidumping Administrative Review and Revocation in Part, 67 FR 2190 (January 16, 2002). Therefore, we are rescinding this review of the antidumping duty order on LNPPs from Japan.

This notice is published in accordance with section 751 of the Act and section 19 CFR 351.213(d)(4).

February 8, 2002.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 02–3806 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020102A]

International Whaling Commission: Nominations

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

ACTION: Request for nominations.

SUMMARY: This notice is a call for nominees for the U.S. Delegation to the May 2002 International Whaling Commission (IWC) annual meeting.

DATES: All nominations for the U.S. Delegation to the IWC annual meeting must be received by March 1, 2002.

ADDRESSES: All nominations for the U.S. Delegation to the IWC annual meeting should be addressed to the U.S. Commissioner to the IWC, and sent via post to: Chris Yates, 13739, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910. Prospective Congressional advisors to the delegation should contact the Department of State directly.

FOR FURTHER INFORMATION CONTACT: Chris Yates, 301–713–2322, Extension 114.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is charged with the responsibility of discharging the obligations of the United States under the International Convention for the Regulation of Whaling, 1946. The U.S. commissioner has primary responsibility for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce and assisted by the Department of State, the Department of the Interior, Marine Mammal Commission, and by other agencies. The non-federal representative selected as a result of this nomination process is responsible for providing input and recommendations to the U.S. IWC Commissioner representing the positions of non-governmental organizations.

The IWC is hosting its 54th annual meeting from May 20–25, 2002, in Shimonoseki, Japan.

Dated: February 12, 2002.

David Cottingham,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–3824 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021102C]

Taking and Importing of Marine Mammals

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

ACTION: Notice of proposed organized decision process; request for comment.

SUMMARY: The Dolphin Protection Consumer Information Act (DPCIA) requires the Secretary of Commerce (Secretary), subject to certain conditions, to amend the ''dolphin-safe'' labeling standard so that tuna from the eastern tropical Pacific Ocean (ETP) purse seine fishery caught in sets in which no dolphins were killed or seriously injured may be labeled ''dolphin-safe.'' The Secretary is required by the Marine Mammal Protection Act (MMPA) to conduct specified scientific research and to make a finding, based on the results of that research, information obtained under the International Dolphin Conservation Program (IDCP), and any other relevant information, as to whether the

intentional deployment on or encirclement of dolphins with purse seine nets is having a ''significant adverse impact'' on any depleted dolphin stock in the ETP. ''Significant adverse impact'' is not further defined in the statute. In this notice, NMFS proposes the types of information that will be available to the Secretary and the context in which the Secretary will consider the information in arriving at a final finding regarding significance. NMFS is seeking comments on the proposed decision-making process at this time.

DATES: Comments on this notice must be received by April 16, 2002. The deadline of May 1, 2002, to submit to NMFS scientific information available for the Secretary's consideration, is final.

ADDRESSES: Written comments on the proposed decision process should be sent to the Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, California, 90802–4213. Comments may also be sent via facsimile at 562–980–4027. Comments will not be accepted if submitted via electronic mail or the Internet.

Scientific information for the Secretary's consideration should be sent to the Director, NMFS Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA, 92037. Comments will not be accepted if submitted via electronic mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Nicole R. Le Boeuf, Southwest Fisheries Science Center, NMFS, 858–546–7147.

SUPPLEMENTARY INFORMATION:

Background

The MMPA, 16 U.S.C. 1361 *et seq.*, as amended by the International Dolphin Conservation Program Act (IDCPA), (Public Law 105–42), requires the Secretary to conduct scientific research on dolphin stocks in the ETP. The DPCIA (16 U.S.C. 1385), as amended by the IDCPA, requires the Secretary to make a finding, based on the scientific research, information obtained under the IDCP, and any other relevant information, as to whether the intentional deployment on or encirclement of dolphins with purse seine nets is having a ''significant adverse impact'' on any depleted dolphin stock in the ETP. There are three depleted dolphin stocks in the ETP: northeastern offshore spotted, eastern spinner, and coastal spotted.

The Secretary's finding will determine the definition of ''dolphin-safe'' as applicable to tuna harvested by purse seine vessels with carrying capacities of greater than 400 short tons operating in the ETP. Refer to the **Federal Register** Notice at 64 FR 24590 (May 7, 1999), for more information on the dolphin-safe labeling standard.

The DPCIA requires the Secretary to make an initial finding regarding the dolphin-safe label in 1999, and a final finding by December 31, 2002. On April 29, 1999, NMFS made an initial finding that there was insufficient evidence at that time to determine whether the chase and encirclement of dolphins by the tuna purse seine fishery was having a significant adverse impact on any depleted dolphin stock in the ETP (NMFS 1999) (64 FR 24590; May 7, 1999). The U.S. District Court for the Northern District of California in *Brower* v. *Daley*, 93 F. Supp. 2d 1071 (N. D. Ca. 2000), set aside this determination, and that finding was affirmed by the Ninth Circuit Court of Appeals in *Brower* v. *Evans*, 257 F. 3d 1058 (9th Cir. 2001). As a result, the labeling standard (from (h)(2) of the DPCIA) is in effect.

For the initial finding, NMFS had the following scientific information available: dolphin abundance data from NMFS 1998 and previous surveys, mortality and abundance estimates based on tuna vessel observer data, a comprehensive review of scientific literature on stress in marine mammals, and then current and historical environmental information from the ETP. The final stages of the mandated IDCPA research, which will soon be complete, are expected to provide substantial additional information for the final finding. Some of this new information will generally include: dolphin abundance data from 1999 and 2000, updated mortality estimates based on observer data, an updated review of scientific literature on stress in marine mammals, results from a necropsy study of dolphins killed in the fishery, a review of historical demographic and biological data related to dolphins involved in the fishery, results from the chase-recapture experiment, as well as information regarding variability in the biological and physical parameters of the ETP ecosystem over time.

To accommodate this newly available scientific and other relevant information and based on input received on the initial finding in 1999, NMFS is revising its decision-making process for the final finding. The proposed organized decision process provides the Secretary with guidance for systematically reviewing the different types of information in reaching a final decision and would be consistent with the decisions of the U.S. District Court and Ninth Circuit Court of Appeals, which are referenced above. In order to provide the public with an opportunity to review and give input regarding the Secretary's decision framework, NMFS is soliciting public comment on the proposed decision process described here.

Overview: How to Determine Significance

It is widely known that the tuna fishery in the ETP, using intentional deployment on or encirclement of dolphins in tuna purse seine nets, causes some dolphin mortality. The question for the Secretary is whether or not interaction with the fishery is having a ''significant adverse impact'' on any depleted dolphin stock in the ETP. There is also general agreement that the number of mortalities that can be sustained by the dolphin stocks before it becomes significant depends on the state of the ETP ecological structure for dolphins. In essence, if the ETP carrying capacity for dolphins has declined or the ecological structure of the ETP has changed, dolphin stocks could sustain fewer mortalities than if the carrying capacity has remained constant or increased or if the ecological structure of the ETP has not changed. Moreover, because it is clear that direct (and potentially some level of indirect) mortality can be attributed to the fishery, the population growth rates of the dolphin stocks need to be sufficient so as to not risk recovery. The remainder of this notice describes how those factors will be assessed by the Secretary in making the final finding regarding whether the tuna purse seine fishery is having a significant adverse impact on any depleted dolphin stock in the ETP.

The Role of Direct Mortality in the Decision Process

To assist the Secretary in reaching a final finding in 2002, NMFS is examining various potential effects of the tuna purse seine fishery on depleted ETP dolphin stocks. Information on direct mortality will be considered, along with quantifiable estimates of indirect mortality and other effects, by the Secretary in making the final finding.

The Role of Indirect Mortality in the Decision Process

While direct mortality by the tuna fishery is a known impact on the dolphin stocks, there are several other possible means by which the fishery could be impacting the stocks. These possible means are often not observed (sometimes termed ''cryptic'' or indirect) and may include: (1) delayed

mortality from stress effects caused by chase and capture; (2) impaired reproduction from stress effects resulting from chase and capture; (3) calf mortality owing to cow-calf separation during fishing operations; (4) social structure disruption attributable to chase and capture; (5) facilitated mortality by making the dolphins more vulnerable to predation after the chase; and (6) interference with dolphin feeding. To measure the impact of indirect effects, the MMPA specifically requires the Secretary to conduct stress studies, including: (1) a review of stress-related research; (2) a three-year necropsy study of dolphins killed in the tuna fishery; (3) a one-year review of relevant historical demographic and biological data; and (4) an experiment involving the repeated chasing and capturing of dolphins by means of intentional encirclement. Studies conducted under the IDCPA research program, information obtained under the IDCP, and other available scientific information should provide insights into the nature and the magnitude of fishery-induced impacts related to these specific sources in addition to those caused by direct mortality. Upon reviewing this information, the Secretary will determine whether or not the intentional deployment on or encirclement of dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the ETP.

The Role of Ecosystem Changes in the Decision Process

Because substantial changes in an ecosystem can have profound effects on the ability of a population or stock of organisms to thrive and/or recover from a previous period of overexploitation (such as with depleted stocks), the Secretary will consider scientific evidence of whether a significant ecosystem change has occurred in the ETP. Particularly, the Secretary will determine whether any change is likely to have increased or decreased (1) the ecological structure or carrying capacity for the three depleted stocks or (2) the rate at which the stocks are able to reach their optimum sustainable population (OSP) level. OSP is the level at which the number of animals in a population are sufficient to achieve the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

Methods For Determining Significance of Estimated Mortality

To assess the significance of estimated mortality in the fishery, the Secretary will use established methods of managing marine mammal mortality under the MMPA. These ''mortality standards'' may include the Potential Biological Removal (PBR) and the Stock Mortality Limit (SML) systems, as well as other standards as appropriate.

NMFS relies on the PBR system, developed as a tool for implementation of the MMPA, for regulating incidental mortality of marine mammal stocks by U.S. fisheries other than the tuna purse seine fishery in the ETP. The PBR system was developed in a series of workshops with participation of experts from NMFS and was refined following input from the Marine Mammal Commission, outside experts, and the public. The PBR level of a marine mammal stock is the maximum number of animals, in addition to natural mortalities, that may be removed while allowing that stock to reach or maintain OSP. Although ETP dolphin mortality is generally not managed under this system, PBR serves here as a valuable mortality standard to measure significance of mortality in marine mammal-fishery interactions because it is a risk averse method of incorporating uncertainty in management models for marine mammals. The formula for calculating PBR can be found in Wade and Angliss (1997), available at *http://nmml.afsc.noaa.gov/library/gammsrep/gammsrep.htm.*

In examining estimated mortality, the Secretary may also consider other mortality standards, such as those utilized by the SML system, to manage fishery-induced dolphin mortality levels in the ETP. The SML system uses substantially lower limits for dolphin mortality than the PBR approach. The SML system was conceived by nations participating in the IDCP and several non-governmental conservation organizations, in consultation with the Inter-American Tropical Tuna Commission. It is now being implemented by the signatory nations of the Agreement on the International Dolphin Conservation Program (AIDCP). Pursuant to the MMPA, as amended by the IDCPA, the SMLs (per-stock per-year dolphin mortality limits) beginning in calendar year 2001 are set at less than or equal to 0.1 percent of the minimum population estimate of each dolphin stock. Additional information on SMLs can be found in Annex III of the AIDCP, available at: *http://www.nmfs.noaa.gov/prot—res/PR2/Tuna—Dolphin/AIDCP.html*

The established standards of PBR and SML are incorporated into the Secretary's organized decision process to assess whether or not the intentional deployment on or encirclement of dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the ETP. Similar to previous work (Gerrodette 1996), NMFS will make calculations of PBR levels and SMLs for the final finding, based on the recent abundance estimates from the ETP surveys conducted under the IDCPA research program. Further discussion of how the PBR, SML, or other appropriate mortality standards will be used in the final finding decision process can be found below.

The Organized Decision Process

NMFS proposes an organized decision process to provide the Secretary with a systematic approach for evaluating multiple types of data in a situation complicated by uncertainty. The decision process described here consists of separate measures of fishery and environmental effects on dolphins that the Secretary will consider in reaching a final decision on whether or not the fishery is having a significant adverse impact on any depleted dolphin stock in the ETP.

The proposed decision process consists of a series of questions that the Secretary will consider in reaching a final decision. These questions are as follows:

(1) Ecosystem Question
(2) Direct Mortality Question
(3) Indirect Effects Question
(4) Abundance Question

The answer to the Ecosystem Question will provide an ecological context (as described above) for the Secretary to consider the remaining three questions. For the Direct Mortality and the Abundance Questions, the proposed decision process provides basic thresholds that will result in a ''yes'' or ''no'' answer to the questions. If the Secretary answers ''yes'' to either question, the Secretary will conclude that the fishery is having a significant adverse impact. For the Ecosystem and the Indirect Effects Questions, the Secretary will review the available information as well as the evidence presented by members of two expert panels (see below) in reaching final conclusions.

Details on how the Secretary will consider the four questions are as follows:

(1) *The Ecosystem Question.* During the period of the fishery, has the carrying capacity of the ETP for dolphins declined substantially or has

the ecological structure of the ETP changed substantially in any way that could impede depleted dolphin stocks from growing at rates expected in a static ecosystem? Or has the carrying capacity increased substantially or has the ecological structure changed in any way that could promote depleted dolphin stocks to grow at rates faster than expected in a static ecosystem?

To determine the answer to these questions, the Secretary will consider scientific information collected and/or evaluated by NMFS, as well as information rendered individually from members of a panel of independent scientific experts in biological oceanography and ecology (the Ecosystem Panel). The panel members' assessments will be based on their review of relevant oceanographic and ecosystem data (physical and biological habitat and distribution, abundance, and ecology of other organisms in the ETP) from the period of the fishery.

(2) *The Direct Mortality Question*. For any depleted stock, does the estimate of the total fishery-attributed dolphin mortality, obtained by adding together estimates of direct mortality and, where appropriate, quantifiable levels of indirect mortality, exceed the mortality standard considered appropriate by the Secretary?

NMFS scientists will calculate from the three recent abundance estimates (1998, 1999, 2000) the PBR levels for each stock and provide them, along with measures of uncertainty, to the Secretary. Estimates of direct mortality and indirect mortality (where appropriate) will be compared to the PBR and other mortality standards to be considered by the Secretary. The Secretary will also take into account the assessments from the Ecosystem Panel members regarding possible changes in the carrying capacity and/or the ecosystem structure of the ETP. The Secretary will consider the information with the understanding that adverse effects from unfavorable changes in the ecosystem may require the use of mortality standards below PBR levels. When evaluating the impact of mortality levels on dolphin stocks, the Secretary may also consider the SML standard as well as other standards as appropriate.

(3) *The Indirect Effects Question*. For each stock, is the estimated number of dolphins affected by the tuna fishery, considering data on sets per year, mortality attributable to the fishery, indicators of stress in blood, skin and other tissues, cow-calf separation and other relevant indirect effects information, at a level that is cause for concern (how and to what degree)?

The answer to this question will be based on information collected and/or evaluated by NMFS, as well as assessments from members of a panel of independent scientific experts in veterinary science, physiology, and other stress-related fields (Indirect Effects Panel). The panel members' assessments will be based on their review of relevant behavioral, ecological, immunological, pathological, and other information with respect to the dolphin stocks involved. For this question, the Secretary will also consider the evidence presented by the Ecosystem Panel members regarding possible changes in the carrying capacity and/or the ecosystem structure of the ETP and how it relates to adverse impacts attributable to the fishery on dolphin stocks as described above.

(4) *The Abundance Question*. For each depleted dolphin stock, is the estimate of the observed population growth rate sufficient so as not to risk recovery or appreciably delay recovery to its OSP level?

To answer this question, the Secretary will consider results from calculations in which NMFS scientists fit a population model to the time series of NMFS research vessel abundance estimates using the time series of estimates of the incidental mortality from the tuna vessel observer data (TVOD). If pending analysis indicates that the time series of relative abundance estimates from the TVOD are sufficiently reliable, they will also be used to estimate trends in dolphin abundance. NMFS scientists will estimate growth rates for each dolphin stock and determine measures of uncertainty for each estimate and provide this information to the Secretary. The Secretary will also take into account assessments from the members of the Ecosystem Panel when considering the estimated growth rates.

Appointment of Scientific Expert Panels

As indicated above in explanations of the Ecosystem and the Indirect Effects Questions, the Secretary will appoint two panels of independent scientific experts to provide individual assessments in determining the answers to these two questions as a part of the organized decision process. The independent experts will make their conclusions based on a review of the results from the IDCPA research program, information obtained under the IDCP, and other relevant information. The use of independent expert judgment in obtaining guidance on complex and highly technical bodies of information, such as those relevant to the Ecosystem and the Indirect Effects Questions, is consistent with science-based, decision-making processes like that proposed here. NMFS plans to select panelists in close consultation with professional scientific organizations. NMFS will publish criteria for panelist selection and the selection process in the **Federal Register** in the near future.

Consideration of Available Scientific Information

The Secretary will make the final finding based on information available from studies conducted under the IDCPA research program, information obtained under the IDCP, and other available scientific information. All quantitative information provided to the Secretary will be accompanied by associated statistical measures of certainty and confidence.

While NMFS is conducting much of the research that will form the basis of the final finding, there may be other sources of information that the Secretary will consider pursuant to the MMPA. NMFS will need time to properly assess and evaluate information to be considered by the Secretary, therefore, all other information must be submitted to NMFS by May 1, 2002. The weight given scientific information will be determined by the degree to which the scientific information meets the following elements: (1) relevant, (2) timely, (3) independently peer-reviewed, and (4) available to NMFS for verification.

Scientific information means the results of properly designed scientific research. *Author(s)* means the originator(s) of the scientific information whose names appear on the written document. *Independent(ly)* means that the action was undertaken by one or more individuals that do not have any fiduciary, supervisory, subordinate or other geographically close organizational relationship to the author(s). *Peer* means a scientist practicing in the same or very closely related field of study as the scientific information. *Relevant* means the scientific information is pertinent to the use of the information. *Timely* means the relevancy of scientific information least degraded by the passage of time. *Passed independent peer review* means the scientific information has been published in a refereed scientific journal in its field or independently read and criticized in writing by at least three peers; the criticism was disposed of either by acceptance or rebuttal, as appropriate, by the author(s); and the disposition of the criticism by the author(s) was independently determined to be appropriate and

adequate. *Verification* means that the data, procedures, methods, equipment, mathematics, statistics, models, computer software and anything else used to produce the scientific information are to be submitted to NMFS in a timely manner such that the scientific information may be replicated or rejected. For the final finding, ''in a timely manner'' means as of May 1, 2002.

Deadline for Submission of Public Comments

NMFS is soliciting public comment on the organized decision process proposed in this notice and will consider public comments in the development of the final decision process if received by April 16, 2002. See **ADDRESSES** above.

Dated: February 12, 2002.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

Literature Cited

Gerrodette, T. 1996. A comparison of mortality limits for eastern tropical Pacific dolphins under the Declaration of Panama and under Potential Biological Removal (PBR) management. NMFS Administrative Report LJ–96–18. Available from the Southwest Fisheries Science Center, P.O. Box 271, La Jolla, CA 92038–0271 or at *http://swfsc.nmfs.noaa.gov/IDCPA/IDCPAfront.html*.

NMFS 1999. Report to Congress on the initial finding, required under the Marine Mammal Protection Act of 1972 as amended by the International Dolphin Conservation Program Act of 1997, regarding whether the intentional deployment on or encirclement of dolphins with purser seine nets is having a significant adverse impact on any depleted dolphin stock in the eastern tropical Pacific Ocean. Report prepared by the Southwest Fisheries Science Center, National Marine Fisheries Service, National Oceanic Atmospheric Administration. 60 pp. Available from the Southwest Fisheries Science Center, P.O. Box 271, La Jolla, CA 92038–0271 or at *http://swfsc.nmfs.noaa.gov/mmd/congress/congress.htm.*

Wade, P.R. and R.P. Angliss. 1997. Guidelines for assessing marine mammal stocks: Report of the GAMMS workshop April 3–5, 1996, Seattle, Washington. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-OPR–12. This document is available at:*http://nmml.afsc.noaa.gov/library/gammsrep/gammsrep.htm.*

[FR Doc. 02–3798 Filed 2–12–02; 4:32 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020602E]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of its Advisory Panel Selection Committee, Scientific and Statistical Selection Committee, Executive Committee, Dolphin Wahoo Committee, Calico Scallop Committee, Snapper Grouper Committee and a joint meeting of the Snapper Grouper Committee and the Wreckfish Advisory Panel, Habitat Committee, and Shrimp Committee. Public comment periods will be held during some of the meetings. There will also be a full Council Session.

DATES: The meetings will be held March 4–8, 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Hilton Savannah DeSoto, 15 East Liberty Street, Savannah, GA 31401; telephone: (1-800) 426–8483 or (912) 232–9000.

Copies of documents are available from Kim Iverson, Public Information Officer, and South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: 843–571–4366; fax: 843–769–4520; email: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Meeting Dates

1. *Advisory Panel Selection Committee: March 4, 2002, 1:30 p.m. – 3 p.m.*

The Advisory Panel Selection Committee will meet in a closed session to review membership applications and develop recommendations. The Advisory Panel Selection Committee will meet in open session to discuss establishing a new Information and Education Advisory Panel.

2. *Scientific and Statistical Selection Committee Meeting: March 4, 2002, 3 p.m. – 4 p.m.*

The Scientific and Statistical Selection Committee will meet in a closed session to review candidates for appointment to the Scientic and Statistical Committee (SSC) and develop recommendations.

3. *Executive Committee Meeting: March 4, 2002, 4 p.m. – 5:30 p.m.*

The Executive Committee will meet to review the NMFS/Council Operations Plan, the new NMFS/Council Assessment Peer Review Process, the status of Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) reauthorization, and the results from the Executive Directors/NOAA/NMFS meeting. The Executive Committee will also review and approve the Council's Calendar Year (CY) 2002 activities schedule.

4. *Dolphin Wahoo Committee Meeting: March 5, 2002, 8:30 a.m. to 10:30 a.m.*

The Dolphin Wahoo Committee will meet to review comments on the Draft Fishery Management Plan (FMP) and Draft Environmental Impact Statement (DEIS) regarding the dolphin wahoo fishery. The Committee will review and approve changes to the document. The Dolphin Wahoo Committee will also review the Biological Evaluation and the timeline for completion of the FMP/Final Environmental Impact Statement (FEIS).

5. *Calico Scallop Committee Meeting: March 5, 2002, 10:30 a.m. to 12 noon.*

The Calico Scallop Committee will meet to review the Section 7 process regarding the FMP for the calico scallop fishery. The Committee will discuss any changes to the FMP that may be necessary and approve the DEIS for review. The Committee will also discuss the timeline for completion of the FMP/FEIS.

6. *Joint Snapper Grouper Committee and Wreckfish Advisory Panel Meeting: March 5, 2002, 1:30 p.m.to 5 p.m. and Snapper Grouper Committee Meeting March 6, 2002, 8:30 a.m. to 12 noon.*

A public scoping meeting will be held during the committee meeting on: (1) Amendment 13 (maximum sustainable yield (MSY), optimum yield (OY), Overfishing Levels, etc.) and (2) Amendment 14 (Marine Protected Areas). Documents regarding these issues are available from the Council office (see **ADDRESSES**). The Snapper Grouper Committee and Wreckfish Advisory Panel will meet to review and comment on the following: Status of Wreckfish Stock, Status of Wreckfish Research, Potential Framework Changes (e.g., total allowable catch, closures,

etc.), and Wreckfish Items in the Options Paper for Snapper Grouper Amendment 13 (MSY, OY, Overfishing levels, and Collecting Fees for Individual Transferable Quota Programs). The Snapper Grouper Committee will meet to review Proposed actions for Amendment 13 to the Snapper Grouper Fishery Management Plan including permit transfers, snowy grouper and golden tilefish management, prohibition of the sale of mutton snapper in May and June, review of stock status for speckled hind and warsaw grouper and evaluation of current regulations, spawning site closures and other measures. The Committee will also review possible sites for marine protected areas (Amendment 14).

7. *Habitat Committee Meeting: March 6, 2002, 1:30 p.m. to 5:30 p.m.*

A public hearing will be held during the committee meeting on the Draft Supplemental Environmental Impact Statement (DSEIS) regarding the Sargassum FMP. Documents regarding the Sargassum FMP are available from the Council office (see **ADDRESSES**). The Habitat Committee will meet to review comments received on the DEIS regarding the Sargassum FMP, approve the Final Sargassum FMP/FEIS for review by the Secretary of Commerce, review the workshop process to update essential fish habitat information, and address Ecosystem FMP issues.

8. *Shrimp Committee Meeting: March 7, 2002, 8:30 a.m. to 12 noon.*

A public scoping meeting will be held during the committee meeting on Amendment 6 to address (1) Sustainable Fisheries Act Criteria (MSY, OY, Overfishing Levels, etc.) and (2) Potential Modification to the Bycatch Reduction Device (BRD) Protocol. Documents regarding these issues are available from the Counciloffice (see **ADDRESSES**). The Shrimp Committee will meet to review the status of Shrimp Amendment 5 and to review options for Shrimp Amendment 6 addressing the BRD Protocol, MSY, OY, and Overfishing levels.

9. *Council Session: March 7, 2002, 1:30 p.m. to 5:30 p.m. and March 8, 2002, 8:30 a.m. to 11:30 a.m.*

From 1:30 p.m. – 1:45 p.m., the Council will have a Call to Order, introductions and roll call, adoption of the agenda, and approval of the December 2001 meeting minutes.

From 1:45 p.m. – 2:45 p.m., the Council will hear a report from the Habitat Committee regarding the Sargassum FMP/FEIS. Public comment will be allowed, and the Council will approve the final Sargassum FMP/FEIS for formal review by the Secretary of Commerce.

From 2:45 p.m. – 3:15 p.m., the Council will hear a report from the Snapper Grouper Committee regarding Amendments 13 (MSY, OY, Overfishing, etc.) and 14 (marine protected area sites). Public comment will be allowed on any potential wreckfish framework changes, and the Council will approve any necessary framework changes for the wreckfish fishery.

From 3:15 p.m. – 3:45 p.m., the Council will hear a report from the Shrimp Committee concerning options for Amendment 6.

From 3:45 p.m. – 4:15 p.m., the Council will hear a report from the Dolphin Wahoo Committee and approve any necessary changes to the FMP.

From 4:15 p.m. – 4:45 p.m., the Council will hear a report from the Calico Scallop Committee and approve the DEIS for review.

From 4:45 p.m. – 5 p.m., the Council will hear a report from the Advisory Panel Selection Committee, appoint new members to the advisory panels, and establish a new Information and Education Advisory Panel.

On March 8th, from 8:30 a.m. – 8:45 a.m., the Council will hear a report from the Scientific and Statistical Selection Committee and revise the SSC membership.

From 8:45 a.m. – 9:15 a.m., the Council will hear a report from the Executive Committee and approve the Council's CY 2002 Activities Schedule and Operations Plan.

From 9:15 a.m. – 9:45 a.m., the Council will hear a report on the status of the NMFS Southeast Fisheries Science Center activities.

From 9:45 a.m. – 10 a.m., the Council will hear a report on the status of Atlantic Coastal Cooperative Statistics Program.

From 10 a.m. – 10:30 a.m., the Council will hear a report from NOAA General Counsel on the status of the management unit in the New England Fishery Management Council's Red Crab FMP and potential impacts on the South Atlantic Fishery Management Council's Golden Crab FMP and the status of the allowable gear rule change request.

From 10:30 a.m. – 10:45 a.m., the Council will hear a status report from NMFS on Golden Crab Amendment 3. The Council will also hear NMFS status reports on landing for Atlantic king mackerel, Gulf king mackerel (eastern zone), Atlantic Spanish mackerel, snowy grouper and golden tilefish, wreckfish, greater amberjack and south Atlantic octocorals.

From 10:45 p.m. – 11:30 a.m., the Council will hear Agency and Liaison Reports, discuss other business and upcoming meetings.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by February 25, 2002.

Dated: February 12, 2002.

Richard W. Surdi,

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

[FR Doc. 02–3814 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021102B]

Marine Mammals; File No. 1003–1665

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Dr. Jennifer Moss Burns, University of Alaska Anchorage, Department of Biological Sciences, College of Arts and Sciences, 3211 Providence Drive, Anchorage, AK 99508, has applied in due form for a permit to take Pacific harbor seals (*Phoca vitulina richardsi*) for purposes of scientific research.

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

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

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

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586–7221; fax (907) 586–7249.

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

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 et seq.), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant proposes to: take up to 40 Pacific harbor seals per year in Southeast Alaska by capture, blood and tissue sampling, and attachment of scientific instruments; and up to 500 harbor seals per year by disturbance during capture, scat collection, and ground and aerial surveys. The purpose of the research is to study the physical factors (e.g. ice and water conditions, seasons) that influence seal use of habitat and monitor seal foraging behavior and prey selection.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 11, 2002.

Eugene T. Nitta,

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

[FR Doc. 02–3816 Filed 2–14–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board

ACTION: Notice.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following Committee meeting:

Date of Meeting: March 5, 2002 from 0800 a.m. to 1700 p.m., March 6, 2002 from 0800 a.m. to 1700 p.m, and March 7, 2002 from 0800 to 1700 p.m.

Place: Holiday Inn Arlington at Ballston, 4610 North Fairfax Drive, Arlington, VA 22203.

Matters to be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of $1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

For Further Information Contact: Ms. Veronica Rice, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2119.

Dated: February 7, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–3702 Filed 2–15–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to delete and amend systems of records.

SUMMARY: The Department of the Army is deleting and amending systems of records notices in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on March 8, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, Attn: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 7, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion

A0040–1 HSC

SYSTEM NAME:

Professional Personnel Information File (February 22, 1993, 58 FR 10002).

Reason: The Department of the Army has determined that this system of records is no longer needed. The data being maintained in this system of records have been transferred to other Army Privacy Act systems of records which maintain Army personnel records, or they have been destroyed.

Amendment

A0027–60b DAJA

SYSTEM NAME:

Patent, Copyright, and Data License Proffers, Infringement Claims, and Litigation Files (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; 17 U.S.C., Copyrights; 15 U.S.C. Chapter 22, Trademarks; 15 U.S.C. Chapter 63, Technology Innovation; Army Regulation, 27–40, Litigation; Amy Regulation 27–60, Intellectual Property; Army Regulation 70–57, Military-Civilian Technology Transfer; DA PAM 27–11, Army Patents; and E.O. 9397 (SSN).'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reword entry to read 'To non-DoD government agencies involved in claims or litigation to determine the validity of allegations for the purposes of properly prosecuting or defending the case.

To Department of the Justice Civil Division to determine the validity of allegations for proper prosecution or defense of allegations in claims or litigation.

To Congress to receive reports for the purpose of determining the Department of the Army's position on particular bills for private relief.

To law students to permit them to provide legal support for the purposes of participating in a volunteer legal support program approved by the Judge Advocate General of the Army.''

* * * * *

STORAGE:

Delete entry and replace with 'Paper records in file folders and on electronic storage media.''

RETRIEVABILITY:

Add to entry 'and/or case number'.

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Infringement allegations, patent License proffers, patent infringement and administrative litigations, data licensing and litigation, copyright infringement and litigation claims are destroyed after 30 years. Request for greater rights, royalty records and intellectual property private litigations are destroyed after 20 years; government asserted claims are destroyed after 25 years, infringement legislative claims are destroyed after 35 years; proffer and infringement claims dockets are maintained in current file area then destroyed after 40 years.'

* * * * *

A0027–60b DAJA

SYSTEM NAME:

Patent, Copyright, and Data License Proffers, Infringement Claims, and Litigation Files.

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Army, Intellectual Property Office, Regulatory Law and Intellectual Property Division, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041–5013.

Segments of this system may exist at the Office, Chief of Engineers, Headquarters, U.S. Army Materiel Command, and/or its major subordinate field commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants or defendants in administrative proceedings or litigation with the government for improper use, infringement, enforcement of agreements, or comparable claims concerning patents or copyrights; individuals having copyrights in material in which the Department of the Army is interested; individuals who own patents which they offer to license to Department of the Army; individuals seeking private relief before the Congress because of right in inventions, patents, copyrights, or data licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative assertion of claims by and against the government and to litigation with the government for alleged misuse of patents, copyrights, trademarks, and data, including inquiries, investigations, settlements, communications with claimants or defendants, and related correspondence; documents relating to advice and assistance provided in obtaining licenses for Department of the Army use of copyright material; documents relating to the investigation and disposition of patent license offers; documents relating to investigations in connection with processing proposed legislation or bills for private relief of individuals because of rights of individuals in inventions, patents, copyrights, or data, including reports of investigations, comments or recommendations, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; 17 U.S.C., Copyrights; 15 U.S.C. Chapter 22, Trademarks; 15 U.S.C. Chapter 63, Technology Innovation; Army Regulation, 27–40, Litigation; Army Regulation 27–60, Intellectual Property; Army Regulation 70–57, Military-Civilian Technology Transfer; DA PAM 27–11, Army Patents; and E.O. 9397 (SSN).

PURPOSE(S):

To maintain evidence and record of claims and litigation involving Department of the Army concerning patents, trademarks, copyrights, and data; to maintain evidence and record of Department of the Army attempts to use copyrighted material and to receive the copyright owner's permission for such use; to maintain record and evidence of patent license offers received and investigations and reports pursuant thereto; and to maintain record and evidence of investigations of proposed legislation or bills for private relief.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To non-DoD government agencies involved in claims or litigation to determine the validity of allegations for the purposes of properly prosecuting or defending the case.

To Department of the Justice Civil Division to determine the validity of allegations for proper prosecution or defense of allegations in claims or litigation.

To Congress to receive reports for the purpose of determining the Department of the Army's position on particular bills for private relief.

To law students to permit them to provide legal support for the purposes of participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on electronic storage media.

RETRIEVABILITY:

By individual's surname and/or case number.

SAFEGUARDS:

Records are maintained in buildings, which employ security guards and are accessed only by authorized personnel having official need-to-know. Automated segments are protected by controlled system passwords governing access to data.

RETENTION AND DISPOSAL:

Infringement allegations, patent License proffers, patent infringement and administrative litigations, data licensing and litigation, copyright infringement and litigation claims are destroyed after 30 years. Request for greater rights, royalty records and intellectual property private litigations are destroyed after 20 years; government asserted claims are destroyed after 25 years, infringement legislative claims are destroyed after 35 years; proffer and

infringement claims dockets are maintained in current file area then destroyed after 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, 1777 North Kent Street, Arlington, VA 22209–2194.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, 1777 North Kent Street Arlington, VA 22209–2194.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, 1777 North Kent Street Arlington, VA 22209–2194.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, the Army organizational element interested in the copyrighted material or offered license, employment records, pertinent government patent files, Department of Justice and/or the government agencies involved in the claims or litigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351 HSC–AHS

SYSTEM NAME:

Academy of Health Sciences: Academic and Supporting Records (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with 'U.S. Army Medical Department School and Academy of Health Sciences Academic Records.''

SYSTEM LOCATION:

Delete entry and replace with 'U.S. Army Medical Department Center and School, Academy of Health Sciences, Department of Academic Support, 2250 Stanley Road, Fort Sam Houston, TX 78234–6100.'

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; Army Regulation 351–3, Professional Education and Training Programs of the Army Medical Department; and E.O. 9397 (SSN).'

* * * * *

RETRIEVABILITY:

Delete 'assigned passwords' from entry.

* * * * *

A0351 HSC–AHS

SYSTEM NAME:

U.S. Army Medical Department School and Academy of Health Sciences Academic Records.

SYSTEM LOCATION:

U.S. Army Medical Department Center and School, Academy of Health Sciences, Department of Academic Support, 2250 Stanley Road, Fort Sam Houston, TX 78234–6100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident and correspondence students enrolled in courses at the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's name, Social Security Number, grade/rank, academic qualifications, progress reports, academic grades, ratings attained, aptitudes and personal qualities, including corporate fitness results; faculty board records pertaining to class standing/rating/classification/proficiency of students; class academic records maintained by instructors indicating attendance and progress of class members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 351–3, Professional Education and Training Programs of the Army Medical Department; and E.O. 9397 (SSN).

PURPOSE(S):

To determine eligibility for enrollment/attendance, monitor student progress, record accomplishments, and serve as record of courses which may be prerequisite for other formal courses of instruction, licensure, certification, and employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to civilian medical institutions for the purpose of accrediting the individual's training and instruction.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper records, microfiche, cards, magnetic tape and/or disc, and computer printouts.

RETRIEVABILITY:

By individual's name and Social Security Number.

SAFEGUARDS:

Access to all records is restricted to designated individuals whose official duties dictate the need therefore.

RETENTION AND DISPOSAL:

Academic records are maintained 40 years at the Academy of Health Sciences. Except for the master file, automated data are erased after the fourth updating cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Academy of Health Sciences, 2250 Stanley Road, Fort Sam Houston, TX 78234–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Registrar, Academy of Health Sciences, 2250 Stanley Road, Fort Sam Houston, TX 78234–6000.

For verification purposes, individual should provide the full name, Social Security Number, date attended/enrolled, current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Registrar, Academy of Health Sciences, 2250 Stanley Road, Fort Sam Houston, TX 78234–6000.

For verification purposes, individual should provide the full name, Social Security Number, date attended/enrolled, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual and Academy of Health Sciences' staff and faculty.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 02–3704 Filed 2–14–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Defense.

ACTION: Notice of a Computer Matching Program.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish advanced notices of any proposed or revised computer matching program by the matching agency for public comment. The Department of Defense (DoD), as the matching agency under the Privacy Act, is hereby giving notice to the record subjects of a computer matching program between Department of Education (ED) and DoD that their records are being matched by computer. This computer matching agreement supersedes all existing data exchange agreements or memoranda of understanding between the ED and the DoD applicable to the exchange of personal data for debt collection purposes pertaining to debtors who are delinquent in their debts to the United States Government under certain programs administered by the Department of Education.

DATES: This proposed action will become effective March 18, 2002 and matching may commence unless changes to the matching program are required due to public comments or by Congressional or by Office of Management and Budget objections. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Suite 920, Arlington, VA 22202–4502.

FOR FURTHER INFORMATION CONTACT: Mr. Vahan Moushegian, Jr. at (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and ED have concluded an agreement to conduct a computer matching program between agencies. The purpose of the computer matching program is to attempt to identify and locate debtors who are current or former Federal personnel receiving any Federal salary or benefit payments and are indebted or delinquent in their payment of debts to the United States Government under certain programs administered by ED.

The parties to this agreement have determined that a computer matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by the ED to identify and initiate collection efforts against individual debtors via the salary and/or administrative offset method. The principal alternative to using a computer matching program for identifying such individuals would be to conduct a manual comparison of all Federal personnel records with lists of debtors delinquent in payments held by ED. Conducting a manual match, however, would clearly impose a considerable administrative burden, constitute a more intrusive invasion of the individual's personal privacy, and would result in additional delay in the eventual recovery of the outstanding debts. Using the computer matching program, information on successful matches (hits) can be provided to ED within 30 days of receipt of an electronic file of delinquent debtors records from ED. The Debt Collection Improvement Act of 1996 mandates that Federal agencies conduct annual computer matches to identify Federal employees who are indebted to a creditor agency for purposes of salary offset.

A copy of the computer matching agreement between ED and DoD is available upon request. Requests should be submitted to the address caption above or to the Department of Education, Students Channel/Collections, 830 First Street, NE., Room 41B3, Mail Stop 5320, Washington, DC 20202–5320.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published on June 19, 1989, at 54 FR 25818.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on February 4, 2002, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records about Individuals'', dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 8, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Notice of a Computer Matching Program Between the Defense Manpower Data Center, the Department of Defense, and the Department of Education for Debt Collection

A. *Participating Agencies:* Participants in this computer matching program are the Defense Manpower Data Center (DMDC), the Department of Defense (DOD), and the Department of Education (ED). The ED is the source agency, *i.e.*, the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, *i.e.*, the agency that actually performs the computer matching.

B. *Purpose of the Match:* The purpose of this agreement identify and locate any matched Federal personnel, employed, serving, or retired, who owe delinquent debts to the Federal Government under certain programs administered by ED. ED will use this information to initiate independent collection of those debts under the provisions of the Debt Collection Act of 1982, as amended, when voluntary payment is not forthcoming. These collection efforts will include requests by ED of the military service/employing agency in the case of military personnel (either active, reserve, or retired) and current non-postal civilian employees, and to OPM in the case of retired non-postal civilian employees, to apply administrative and/or salary offset

procedures until such time as the obligation is paid in full.

C. *Authority for Conducting the Match:* The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Public Law 97–365), as amended by the Debt Collection Improvement Act of 1996 (Public Law 104–134, section 31001); 31 U.S.C. chapter 37, subchapter I (General) and subchapter II (Claims of the United States Government); 31 U.S.C. 3711, Collection and Compromise; 31 U.S.C. 3716, Administrative Offset; 5 U.S.C. 5514, Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 135, Under Secretary of Defense (Comptroller); Section 101(l) of Executive Order 12731; 31 CFR chapter IX, Federal Claims Collection Standards; 5 CFR 550.1101—550.1108, Collection by Offset from Indebted Government Employees (OPM); 34 CFR part 31, Salary Offset Standards for Federal Employees Indebted to the United States under Programs Administered by the Secretary of Education.

D. *Records to be Matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

1. ED will use personal data from the record system identified as 18–11–07, entitled ''Student Financial Assistance Collection Files,'' published in the **Federal Register**, at 64 FR 30166, June 4, 1999, as amended by 64 FR 72407, December 27, 1999.

2. DoD will use personal data from the record system identified as S322.11 DMDC, entitled ''Federal Creditor Agency Debt Collection Data Base,'' last published in the **Federal Register** at 64 FR 42101, August 3, 1999.

E. *Description of Computer Matching Program:* ED, as the source agency, will provide DMDC with an electronic file which contains the names of delinquent debtors in programs ED administers. Upon receipt of the electronic file of debtor accounts, DMDC will perform a computer match using all nine digit digits of the SSN of the ED file against a DMDC computer database. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of personnel records of non-postal Federal civilian employees and military members, both active and retired.

The ''hits'' or matches will be furnished to ED. ED is responsible for verifying and determining that the data on the DMDC electronic reply file are consistent with ED's source file and for resolving any discrepancies or inconsistencies on an individual basis. ED will also be responsible for making final determinations as to positive identification, amount of indebtedness, and recovery efforts as a result of the match.

The electronic file provided by ED will contain data elements of the debtor's name, SSN, internal account numbers and the total amount owed for each debtor on approximately 2,000,000 delinquent debtors.

The DMDC computer database file contains approximately 4.53 million records of active duty and retired military members, including the Reserve and Guard, and approximately 3.45 million records of active and retired non-postal Federal civilian employees.

DMDC will match the SSN on the ED file by computer against the DMDC database. Matching records, ''hits'' based on SSNs, will produce data elements of the individual's name, SSN, military service or employing agency, and current work or home address.

F. *Inclusive Dates of the matching Program:* The effective date of the matching agreement and date when matching may actually begin shall be at the expiration of the 40-day review period for OMB and Congress, or 30 days after publication of the matching notice in the **Federal Register**, whichever date is later. The parties to this agreement may assume OMB and Congressional concurrence if no comments are received within 40 days of the date of the transmittal letter. The 40-day OMB and Congressional review period and the mandatory 30-day public comment period for the **Federal Register** publication of the notice will run concurrently. By agreement between ED and DoD, the matching program will be in effect for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for Receipt of Public Comments or Inquiries:* Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Suite 920, Arlington, VA 22202–4502. Telephone (703) 607–2943.

[FR Doc. 02–3703 Filed 2–14–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Coastal Engineering Research Board (CERB); Notice of Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Date of Meeting: March 5–6, 2002.

Place: Golden Inn Hotel and Conference Center, Avalon, New Jersey.

Time: 8 a.m. to 4:30 p.m. (March 5, 2002).; 8 a.m. to 5 p.m. (March 6, 2002).

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be addressed to Colonel John W. Morris III, Executive Secretary, U.S. Army Engineer Research and Development Center, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

SUPPLEMENTARY INFORMATION:

Proposed Agenda: The theme of the meeting is ''Beach Nourishment performance.'' On Tuesday, March 5, the morning session will consist of panel presentations concerning ''Overview of Corps Process and Issues (Formulation, Design, Construction, Monitoring, Renourishment)'' and panel presentations concerning ''State and Local Perspectives on Beach Nourishment Projects.'' The afternoon session will consist of panel presentations concerning ''Private Sector Experience with Beach Nourishment'' and presentations dealing with Federal Emergency Management Agency Perspective on Nourished Beaches and New Jersey Biological Monitoring Study. On Wednesday, March 6, the following topics will be discussed: National Shoreline Management Study, Philadelphia District Beach Nourishment Program, and Adaptive Design of Beach Nourishment Projects. A field trip is planned for part of the morning and afternoon of March 6, followed by an Executive Working Session.

These meetings are open to the public; participation by the public is scheduled for 9:45 a.m. on March 6.

The entire meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not

required, is requested in order to assure adequate arrangements. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

John W. Morris III,

Colonel, Corps of Engineers, Executive Secretary.

[FR Doc. 02–3827 Filed 2–14–02; 10:20 am]

BILLING CODE 3710–61–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Coastal Engineering Research Board (CERB); Notice of Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Dates of Meeting: March 7–8, 2002.

Place: Marriott Hotel, Philadelphia Airport, Philadelphia, Pennsylvania.

Time: 8 a.m. to 5 p.m. (March 7, 2002), 8 a.m. to 12 p.m. (March 8, 2002).

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be addressed to Colonel John W. Morris III, Executive Secretary, Coastal Engineering Research Board, U.S. Army Engineer Research and Development Center, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

SUPPLEMENTARY INFORMATION:

Proposed Agenda: The 2003 Coastal Technology Area—Research and Development (R&D) Program Review will be held March 7–8, 2002. On Tuesday, March 7, overviews of the following programs will be presented: Regional Sediment Management Program; Technologies and Operational Innovations for Urban Watershed Networks (TOWNS); Coastal Inlet Research Program (CIRP), including Dredging Management System (DMS); Field Data Collection Program (FDCP); Monitoring Completed Navigation Program (MCNP); and Section 227 Shoreline Erosion and Control Demonstration Program, including the Coastal Engineering Manual (CEM). The afternoon of March 7 and the morning of March 8 will be devoted to reviews of Work Units within the various programs, with discussions and feedback from the Field Review Group and the civilian members of the CERB.

This meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangement for those wishing to attend.

John W. Morris III,

Colonel, Corps of Engineers, Executive Secretary.

[FR Doc. 02–3828 Filed 2–14–02; 10:20 am]

BILLING CODE 3710–61–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 18, 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 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Karen_F._Lee@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 11, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Undersecretary

Type of Review: Extension.

Title: National Evaluation of Upward Bound and Upward Bound Math Science.

Frequency: On Occasion.

Affected Public: Individuals or households.

Reporting and Recordkeeping Hour Burden:

Responses: 4,728.

Burden Hours: 1,686.

Abstract: This request is for continuation of the fourth follow-up study and conducting the fifth follow-up of the regular Upward Bound study. It is also for the contintuation of the first follow-up and conducting the second follow-up for the Math Science Upward Bound study. These data collections are part of the National Evaluation of Upward Bound that hs been on-going since 1992. The studies are following a sample of 4,728 participants and control group students through high school and into young adulthood. The study is looking at academic achievement, college participation rates, and employment patterns.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address vivian.reese@ed.gov. Requests may also be electronically mailed to the internet address OCIO_RIMG@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Jacqueline Montague at (202) 708–5359 or via her internet address Jackie.Montague@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. 02–3716 Filed 2–14–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 18, 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, N.W., Room 10202, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address *Karen_F._Lee@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 11, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.

Title: Application for Grants, Public Charter Schools Program.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household; Businesses or other for-profit; Not-for-profit institutions; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 30.

Burden Hours: 720.

Abstract: State educational agencies, and partnerships between authorized public chartering agencies and charter schools developers must submit an application to receive funds. Applications are analyzed to ensure that funds are distributed fairly and projects are cost effective.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivian.reese@ed.gov.* Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at (540) 776–7742 or via her internet address *Kathy.Axt@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–3717 Filed 2–14–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–898–000]

Arizona Public Service Company; Notice of Filing

February 1, 2002.

Take notice that on January 30, 2002, Arizona Public Service Company (APS) tendered for filing a Service Agreement to provide Network Integration Transmission Service under APS' Open Access Transmission Tariff to Pinnacle West Capital Corp. Marketing and Trading (Pinnacle) as the Scheduling Coordinator for APS.

A copy of this filing has been served on Pinnacle and the Arizona Corporation Commission.

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 to determine 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. All such motions and 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.

Comment Date: February 20, 2002.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–3745 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–453–000 and ER02–453–001]

Conectiv Bethlehem, Inc.; Notice of Issuance of Order

February 11, 2002.

Conectiv Bethlehem, Inc. (CBI) submitted for filing a tariff under which CBI will engage in the sales of capacity, energy, and/or ancillary services at market-based rates and the resale of transmission rights. CBI also requested waiver of various Commission regulations. In particular, CBI requested that the Commission grant blanket approval under 18 CFR part 34 of all

future issuances of securities and assumptions of liability by CBI.

On January 31, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-East, granted requests for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by CBI should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, CBI is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of CBI, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of CBI's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Magalie R. Salas,

Secretary.

[FR Doc. 02–3742 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–554–000]

Foothills Generating, L.L.C.; Notice of Issuance of Order

February 11, 2002.

Foothills Generating, L.L.C. (Foothills) submitted for filing a tariff under which Foothills will engage in the sale of energy services and capacity at market-based rates. Foothills also requested waiver of various Commission regulations. In particular, Foothills requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Foothills.

On January 31, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Foothills should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Foothills is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Foothills, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Foothills' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3744 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES02–21–000]

Kansas Gas and Electric Company; Notice of Application

February 7, 2002.

Take notice that on January 30, 2002, Kansas Gas and Electric Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to pledge not more than $1 billion of first mortgage bonds and guaranties to secure indebtedness of Wester Resources, Inc.

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.

Comment Date: February 28, 2002.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3746 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–553–000]

Rolling Hills Generating, L.L.C.; Notice of Issuance of Order

February 11, 2002.

Rolling Hills Generating, L.L.C. (Rolling Hills) submitted for filing a tariff under which Rolling Hills will engage in the sale of energy services and capacity at market-based rates. Rolling Hills also requested waiver of various Commission regulations. In particular, Rolling Hills requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Rolling Hills.

On January 31, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Rolling Hills should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Rolling Hills is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Rolling Hills, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Rolling Hills' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, D.C. 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3743 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–63–001]

White Rock Pipeline, L.L.C.; Notice of Amendment

February 11, 2002.

Take notice that on February 11, 2002, White Rock Pipeline, L.L.C. (White Rock), 426 East Missouri Avenue, Pierre, South Dakota 57501, filed in Docket No. CP02–63–001, an amendment to its initial application pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's Rules and Regulations (Commission), for a certificate of public convenience and necessity authorizing White Rock to operate an existing single-use pipeline that is approximately 10.5 miles long and 4.5 inches in diameter, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance).

White Rock states that the proposed pipeline is to be used to transport natural gas from an interconnection with the Alliance Pipeline in North Dakota, to a end-use customer, the Tri-State Ethanol Company, L.L.C. (Tri-State), which is White Rock's affiliate. White Rock states that the proposed pipeline is located in a sparsely-populated agricultural area in the extreme southeast corner of North Dakota and the extreme northeast corner of South Dakota. It is stated that the sole purpose and use of the pipeline will be to transport natural gas to White Rock's affiliate, Tri-State.

White Rock states that the purpose of its amendment is to reflect that White Rock is, or soon will be, entirely owned by Tri-State. It is stated that the other owners of White Rock, other than Tri-State, have or in the near future will transfer any equity interest they have in the pipeline to Tri-State Ethanol Company, L.L.C., in order to accomplish the requested waiver regarding rate filings and other matters requested in the original application.

Any questions regarding this amendment should be directed to James Robbennolt, Olinger, Lovald, Robbennolt, McCahren & Reimers, P.C., 117 E. Capitol, P. O. Box 66, Pierre, S.D. 57501, at (605) 224–8851.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before February 19, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

If the Commission decides to set the amendment for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a

final Commission order approving or denying a certificate will be issued.

Magalie R Salas,

Secretary.

[FR Doc. 02–3741 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG02–85–000, et al.]

DTE East China, LLC, et al.; Electric Rate and Corporate Regulation Filings

February 8, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. DTE East China, LLC

[Docket No. EG02–85–000]

Take notice that on February 6, 2002, DTE East China, LLC (Applicant), a Delaware limited liability company, with its principal place of business at 414 S. Main Street, Suite 600, Ann Arbor, Michigan 48104, filed with the Federal Energy Regulatory Commission (Commission) an application for a determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Applicant states that it will own or lease and operate an approximately 320 MW peaking facility in East China Township, Michigan. The facility is expected to commence commercial operations in the summer of 2002.

Copies of the Application have been served upon the Securities and Exchange Commission and the Michigan Public Service Commission.

Comment Date: March 8, 2002.

2. Arizona Public Service Company

[Docket No. ER99–3288–005]

Take notice that on January 30, 2002, Arizona Public Service Company (APS) tendered for filing with the Federal Energy Regulatory Commission (Commission) filed an Informational Report on the Fourth Quarter for 2001 Refund payments to Eligible Wholesale Customers under the Company's Fuel Adjustment Clause (FAC).

Comment Date: February 21, 2002.

3. Sierra Pacific Power Company

[Docket Nos. ER02–317–001 and ER02–318–001]

Take notice that on February 4, 2002, Sierra Pacific Power Company (Sierra) submitted service agreement designations for service agreement revisions filed in the above referenced dockets.

Copies of this filing were served upon the Public Utilities Commission of Nevada, the Public Utilities Commission of California and all interested parties.

Comment Date: February 25, 2002.

4. Duke Energy Arlington Valley, LLC

[Docket No. ER02–443–001]

Take notice that on February 4, 2002, Duke Energy Arlington Valley, LLC filed a notice of status change with the Federal Energy Regulatory Commission in connection with the pending change in upstream control of Engage Energy America LLC and Frederickson Power L.P. resulting from a transaction involving Duke Energy Corporation and Westcoast Energy Inc.

Copies of the filing were served upon all parties on the official service lists compiled by the Secretary of the Federal Energy Regulatory Commission in these proceedings.

Comment Date: February 25, 2002.

5. Excel Energy Services, Inc.

[Docket No. ER02–402–001]

Take notice that on February 4, 2002, Xcel Energy Service Inc. (EXS) on behalf of Northern States Power Company (NSP) hereby submits a compliance filing regarding the Restated Transmission Services Agreement between NSP and the State of South Dakota (Customer).

Comment Date: February 25, 2002.

6. UtiliGroup, Inc.

[Docket No. ER02–517–001]

Take notice that on February 4, 2002, UtiliGroup, Inc. (UtiliGroup) tendered for filing with the Federal Energy Regulatory Commission (Commission) additional information to its original Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority, identifying the owners of UtiliGroup.

Comment Date: February 25, 2002.

7. Crete Energy Venture, LLC

[Docket No. ER02–963–000]

Take notice that on February 5, 2002, Crete Energy Venture, LLC tendered for filing an application for blanket authorizations, certain waivers and authorization to sell energy, capacity and ancillary services at market-based rates pursuant to section 205 of the Federal Power Act.

Copies of this filing have been served on the Arkansas Public Service Commission, Mississippi Public Service Commission, Louisiana Public Service Commission, Texas Public Utility Commission, the Council of the City of New Orleans, the Michigan Public Service Commission and the Illinois Commerce Commission.

Comment Date: February 26, 2002.

8. American Transmission Company LLC

[Docket No. ER02–964–000]

Take notice that on February 5, 2002, American Transmission Company LLC (ATCLLC) tendered for filing a Generation-Transmission Interconnection Agreement between ATCLLC and Fox Energy Company LLC.

ATCLLC requests an effective date of January 15, 2002.

Comment Date: February 26, 2002.

9. Entergy Services, Inc.

[Docket No. ER02–965–000]

Take notice that on February 5, 2002, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., tendered for filing six copies of a Notice of Termination for Short-Term and Non-Firm Point-To-Point Transmission Service Agreements between Entergy Services and Avista Energy, Inc.

Comment Date: February 26, 2002.

10. PG&E Dispersed Generating Company, LLC

[Docket No. ER02–966–000]

Take notice that on February 5, 2002, PG&E Dispersed Generating Company, LLC (PG&E Dispersed Gen) tendered for filing a service agreement for power sales (Service Agreement) with RAMCO, Inc. (RAMCO) pursuant to which PG&E Dispersed Gen will sell capacity, energy and ancillary services to RAMCO at market-based rates according to its FERC Electric Tariff No. 1.

Comment Date: February 26, 2002.

11. Virginia Electric and Power Company

[Docket No. ER02–967–000]

Take notice that on February 5, 2002, Virginia Electric and Power Company (Dominion Virginia Power or the Company) tendered for filing a Service Agreement for Network Integration Transmission Service and Network Operating Agreement by Virginia Electric and Power Company to Dominion Energy Direct Sales, Inc. designated as First Revised Service Agreement No. 302 under the Company's Retail Access Pilot Program, pursuant to Attachment L of the Company's Open Access Transmission Tariff, FERC Electric Tariff, Second

Revised, Volume No. 5, to Eligible Purchasers effective June 7, 2000.

Dominion Virginia Power requests a waiver of the Commission's regulation to permit an effective date of October 1, 2001, as requested by the customer.

Copies of the filing were served upon Dominion Energy Direct Sales, Inc., the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment Date: February 26, 2002.

12. Northeast Utilities Service Company

[Docket No. ER02–968–000]

Take notice that on February 5, 2002, Northeast Utilities Service Company (NUSCO), tendered for filing, Service Agreement to provide Firm Point-To-Point Transmission Service to Whitefield Power and Light Company under the NU System Companies' Open Access Transmission Service Tariff No. 9.

NUSCO states that a copy of this filing has been mailed to Whitefield Power and Light Company. NUSCO requests that the Service Agreement become effective March 15, 2002.

Comment Date: February 26, 2002.

13. Northeast Utilities Service Company

[Docket No. ER02–969–000]

Take notice that on February 5, 2002, Northeast Utilities Service Company (NUSCO), tendered for filing, Service Agreement to provide Non-Firm Point-To-Point Transmission Service to Whitefield Power and Light Company under the NU System Companies' Open Access Transmission Service Tariff No. 9.

NUSCO states that a copy of this filing has been mailed to Whitefield Power and Light Company. NUSCO requests that the Service Agreement become effective March 15, 2002.

Comment Date: February 26, 2002.

14. UBS AG

[Docket No. ER02–973–000]

Take notice that on February 6, 2002, UBS AG (Applicant) filed with the Federal Energy Regulatory Commission (the Commission) an application for approval of its initial rate schedule (FERC Electric Tariff Original Volume No. 1) and for blanket approval for market-based rates pursuant to Part 35 of the Commission's regulations.

Applicant is a publicly-held corporation organized under the laws of Switzerland, with its principal places of business at Zurich and Basel and branches in financial centers around the world. Applicant intends to engage in the sale of electricity at wholesale in the United States on terms to be agreed upon with the purchasing party. Applicant has reached an agreement to use certain assets under license from Enron, Inc.

Comment Date: February 20, 2002.

15. Southern Illinois Power Cooperative

[Docket No. NJ02–1–000]

Take notice that on November 14, 2001, Southern Illinois Power Cooperative (SIPC) filed with the Federal Energy Regulatory Commission (Commission) a letter informing the Commission of changes it will make to its open access transmission tariff in order to participate as a transmission owning member of this Midwest Independent Transmission System Operator, Inc. (MISO). The changes include canceling all attachments and schedules other than Schedules 2, 3, 5, and 6 (ancillary services); the canceled attachments and schedules are no longer necessary because SIPC's customers will now become MISO's customers.

SIPC states that the changes will be effective December 15, 2001.

Comment Date: March 7, 2002.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3740 Filed 2–14–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7146–6]

Office of Research and Development; Agency Information Collection Activities: Proposed Collection; Comment Request; Health Effects of Microbial Pathogens in Recreational Waters

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the EPA is planning to submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB).

TITLE: Health Effects of Microbial Pathogens in Recreational Waters.

Before submitting the ICR to OMB for review and approval, the EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 16, 2002.

ADDRESSES: Public comments should be submitted to: Dr. Rebecca L. Calderon, US EPA (M D 58–C), Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Interested persons may obtain a copy of the ICR without charge by contacting: Dr. Rebecca L. Calderon, (919) 966–0617, FAX: (919) 966–0655, E-mail: *calderon.rebecca@epamail.epa.gov,* or by mailing a request to the address above.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are families frequenting fresh and marine water beaches in the continental United States.

Title: Health Effects of Microbial Pathogens in Recreational Waters.

Abstract: This study will be conducted, and the information collected, by the Epidemiology and Biomarkers Branch, Human Studies Division, National Health and Environmental Effects Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency (EPA). Participation of adults and children in this collection of information is strictly voluntary.

This information is being collected as part of a research program consistent with the Sec. 3(a)(v)(1) of the Beaches Environmental Assessment and Coastal Health Act of 2000 and the strategic

plan for EPA's Office of Research and Development (ORD) and the Office of Water entitled ''Action Plan for Beaches and Recreational Water.'' The Beaches Act and ORD's strategic plan has identified research on effects of microbial pathogens in recreational waters as a high-priority research area with particular emphasis on developing new water quality indicator guidelines for recreational waters. The EPA has broad legislative authority to establish water quality criteria and to conduct research to support these criteria. This data collection is for a series of *epidemiological studies to evaluate exposure to and effects of microbial pathogens in marine and fresh recreational waters* as part of the EPA's *research program on exposure and health effects of microbial pathogens in recreational waters.* The research plan includes piloting the collection of both recreational information and water quality information during the summer months of 2002. Multiple sites with refined study design will be conducted in 2003, 2004 and 2005. The information collected by this study program will be used to estimate the relationship between water quality indicators and health effects. The questionnaire health data will be compared with routinely collected water quality measurements. The analysis will focus on determining whether any water quality parameters are associated with increased prevalence of swimming-related health effects.

Burden Statement

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 data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

TABLE 1.—ESTIMATED ANNUAL RESPONDENT BURDEN

Type of respondent	Respondent activities	Estimated number of respondents	Burden hours	Frequency	Annual reporting burden	Annual cost
Parent	Beach Interview	1500	0.40	1	600	[a] $8,832
Parent	Complete home interview I (80%)	1200	0.33	1	396	[a] 5,830
Parent	Complete home interview II (80%)	960	0.17	1	163	2,400
Totals					1,159 hr	17,062

[a] $14.72/hour (average hourly wage).

There are no direct respondent costs for this data collection.

No Annual Record Keeping Burden

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 EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Dated: February 4, 2002.

Linda Birnbaum,

Director, Human Studies Division, National Health & Environmental Effects Research Laboratory, Office of Research and Development.

[FR Doc. 02–3771 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6626–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or http://www.epa.gov/oeca/ofa. Weekly receipt of Environmental Impact Statements Filed February 04, 2002 Through February 08, 2002 Pursuant to 40 CFR 1506.9.

EIS No. 020055, Final EIS, FHW, CA, CA–70 Two-Lane Expressway Upgrade to a Four-Lane Expressway/Freeway, south of Striplin Road to south of McGowan Road Overcrossing, Funding and US Army COE Section 404 Permit Issuance, Sutter and Yuba Counties, CA, Wait Period Ends: March 18, 2002, Contact: Maiser Khaled (916) 498–5020.

EIS No. 020056, Draft EIS, BLM, WY, Powder River Basin Oil and Gas Project, Additional Coal Bed Methane (CBM) Resources Development, Drilling, Completing, Operating and Recalling of New CBM Wells and Constructing, Operating and Recalling of various Ancillary Facilities, Drill, Special Use and US Army COE Section 404 Permits and Right-of-Way Grant, Campbell, Converse, Sheridan and Johnson Counties, WY, Comment Period Ends: May 15, 2002, Contact: Paul Beels (307) 684–1168. This document is available on the Internet at: http://www.wy.blm.gov or http://www/prb-eis.org.

EIS No. 020057, Final EIS, AFS, UT, Griffin Springs Resource Management Project, Implementation, Commercial Timber Harvesting, Aspen Regeneration, Management Ignited Prescribed Fire, and Road Work, Dixie National Forest, Escalante Ranger District, Garfield County, UT, Wait Period Ends: March 18, 2002, Contact: Kevin Schulkoski (435) 826–5400.

EIS No. 020058, Final EIS, FHW, OK, I–40 Crosstown Expressway Transportation Improvements, I–235/

I–35 Interchange west to Meridian Avenue, Funding, Oklahoma City, Oklahoma County, OK, Wait Period Ends: March 18, 2002, Contact: Lubin Quinones (405) 605–6174.

EIS No. 020059, Draft EIS, FRC, WA, Martin Creek Hydroelectric Project (FERC Project No. 10942), Construction, Operation and Maintenance of a 10.2-Megawatt (MW) Hydroelectric Run-of-River Facility, License Approval, Cascade Mountains, Martin and Kelley Creeks, Mt. Baker-Sqoqualmie National Forest, King County, WA, Comment Period Ends: April 1, 2002, Contact: David Turner (202) 019–2814.

EIS No. 020060, Draft EIS, BLM, MT, Montana Statewide Conventional Oil and Gas and Coal Bed Methane Gas Exploration and Development Management Plan within the Bureau of Land Management's Powder River and Billings Resources Management Plan Areas and the State of Montana, Implementation, MT, Comment Period Ends: May 15, 2002, Contact: Mary Bloom (406) 233–3649.

Amended Notices

EIS No. 010528, Draft EIS, AFS, MO, Oak Decline and Forest Health Project, To Improve Forest Health, Treat Affected Stands, Recover Valuable Timber Products, Promote Public Safety, Potosi and Salem Ranger Districts, Mark Twain National Forest, Crawford, Dent, Iron, Reynolds, Shannon and Washington, MO, Comment Period Ends: February 19, 2002, Contact: Karen Mobley (573) 729–6656. Revision of FR Notice Published on 12/01/2001: CEQ Comment Period Ending 02/04/2002 has been extended to 02/19/2002.

EIS No. 010545, Final EIS, COE, TN, Adoption—Upper Tennessee River Navigation Improvement Project, Rehabilitation and/or Construction, Chickamauga Dam—Navigation Lock Structural Improvement Alternative, Funding, NPDES, US Coast Guard Bridge and US Army COE Section 404 Permits Issuance, Tennessee River, Hamilton County, TN Contact: Wayne Easterling (615) 736–7847. US Army Corps of Engineers (COE) has adopted the Tennessee Valley Authority's FEIS #960147, filed with the US Environmental Protection Agency on 03/29/1996. COE was a Cooperating Agency for the above final EIS. Recirculation of the document is not necessary under Section 1506.3(c) of the Council on Environmental Quality Regulations. Revision of FR notice published on 02/08/2002: CEQ Accession Number Changed from 020043 to 010545. The above FEIS should have appeared in the FR on 12/21/2001.

EIS No. 010546, Draft Supplement, COE, TN, Chickamauga Dam Navigation Project, New and Updated Information concerning Cumulative Effects and Compliance with Section 106 of the Historic Preservation Act, NPDES, US Army COE Section 404 and US Coast Guard Permits Issuance, TennesseeRiver, Hamilton County, TN, Due: February 04, 2002, Contact: Wayne Easterling (615) 736–7847. Revision of FR notice published on 02/08/2002: Due to an Administrative Error by US Army Corps of Engineers (COE) the above DSEIS was not properly filed with the US EnvironmentalProtection Agency. COE has confirmed that distribution of the DSEIS was made available to federal agencies and interested parties for the 45-Day Comment Period beginning on 12/21/2001 and ending 02/04/2002. For further information contact Mr. Wayne Huddleston at (615)736–7842. Change CEQ Accession No. 020055 to 010546 and Change CEQ Comment Period Ending 03/25/2002 to 02/04/2002.

Dated: February 12, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–3755 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6626–6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated May 18, 2001 (66 FR 27647).

Draft EISs

ERP No. D–FHW–G40168–LA Rating EC2, Bayou Barataria Bridge/LA–302 Replacement, LA–45/Jean Lafitte Boulevard to LA–3257/Privateer Boulevard, Funding and U.S. Army COE Section 404 and U.S. Coast Guard Bridge Permits Issuance, Communities of Jean Lafitte and Barataria, Jefferson Parish, LA.

Summary: EPA has environmental concerns and requests additional information in the final EIS. Areas of concern include: consideration of additional alternatives, more balance in the assessment of the nature and extent of likely environmental impacts, correction of apparent inconsistencies or contradictions, and additional clarifications in the impact analysis.

ERP No. D–FHW–K40249–CA Rating EC2, Lincoln Bypass Construction, South of Industrial Boulevard to North of Riosa Road, Funding and U.S. Army COE Section 404 Permit Issuance, Placer County, CA.

Summary: EPA expressed environmental concerns about the 30.2 acres of wetland impacts from the Park and Ride facility, that cumulative and indirect impacts are not thoroughly analyzed in the DEIS, and the ''AAC2'' alignment should not be ruled out as the preferred alternative.

ERP No. D–FRC–F05123–00 Rating LO, Bond Falls Project, Issuing a New License for Existing Hydroelectric License, (FERC No. 1864–005) Ontonagon River Basin, Ontonagon and Gogebic Counties, MI and Vilas County, WI.

Summary: EPA had no objections to the proposed project.

ERP No. D–FRC–L03011–WA Rating EO2, Georgia Strait Crossing Pipeline (LP) Project, Construction and Operation, To Transport Natural Gas from the Canadian Border near Sumas, WA to U.S./Canada Border at Boundary Pass in the Strait of Georgia, Docket Nos. CP01–176–000 and CP01–179–000, Whatcom and San Juan Counties, WA.

Summary: EPA expressed environmental objections to the proposed project due to a lack of detailed evaluation of alternatives, lack of evaluation of the entire project, the lack of analysis at the ecosystem scale and the lack of integration with the evaluation and decisionmaking processes being conducted in Canada for the Canadian portion of the proposed project. EPA recommended that these issues, along with others, be addressed in the final EIS.

ERP No. DA–COE–E34030–FL Rating EC2, Central and Southern Florida Project, Water Preserve Areas (WPA) Feasibility Study, To Provide a Mechanism for Increased Aquifer Recharge and Surface and Subsurface Water Storage Capacity, Comprehensive Everglades Restoration Plan, Broward and Miami-Dade Counties, FL.

Summary: EPA expressed environmental concerns and requested that additional water quality and other

information be provided in the final document.

ERP No. DA–COE–E36167–FL Rating LO, Central and Southern Florida Project, Tamiami Trail Feature (U.S. Highway 41), Modified Water Deliveries to Everglades National Park, Dade County, FL.

Summary: EPA had no objections to the measures proposed to protect the Tamiami roadway from overtopping and structural damages.

Final EISs

ERP No. F–AFS–J65334–MT, Keystone-Quartz Ecosystem Management, Implementation, Beaverhead-Deerlodge National Forest, Wise River Ranger District, Beaverhead County, MT.

Summary: EPA continues to have environmental concerns that the proposed action does not provide for improvement/restoration of existing low standard roads that have considerable local impact on stream channels.

ERP No. F–AFS–J65353–MT, Threemile Stewardship Project, Proposed Short-Term and Long-Term Vegetation and Road Management Activities, Ashland Ranger District, Custer National Forest, Powder and Rosebud Counties, MT.

Summary: EPA continues to express environmental concerns regarding the need for adequate oversight of the timber contractor during project implementation via stewardship contracting. EPA requested information on the Forest Service protocol for stewardship contracting that includes multi-party monitoring.

ERP No. F–COE–F35046–OH, Ashtabula River and Harbor Dredging and Disposal Project, Design, Construction, Operation and Maintenance, Ashtabula River Partnership (ARP), Ashtabula County, OH.

Summary: EPA continued to express environmental concerns regarding issues associated with PCBs and radioactive materials.

ERP No. F–COE–K36135–CA, White Slough Flood Control Study, Tidal Circulation Improvements and Section 205 Program Authorities Continuation, Vallejo Sanitation and Flood Control District, City of Vallejo, Solano County, CA.

Summary: EPA found the final EIS adequately addressed most of the issues raised in the comment letter on the DEIS. EPA requested additional information regarding water quality in White Sough, and reiterated support for a water quality monitoring component in the project.

Dated: February 12, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–3754 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7145–4]

Notice of Availability of FY 2002 Funds for Water Quality Cooperative Agreements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Water Quality Cooperative Agreement funds.

SUMMARY: EPA Region 4 (Atlanta) announces that $300,000 to $450,000 in FY 2002 funds is available to fund Water Quality Cooperative Agreements. Project proposals are being solicited from state water pollution control agencies, interstate agencies, tribes, and other public or nonprofit private agencies, institutions, and organizations. Through this solicitation, EPA expects to fund from two to nine projects to support the restoration of impaired water bodies in priority watersheds. Applicants may request $50,000 to $150,000 per project proposal, and a five percent nonfederal match is encouraged.

DATES: Project proposals must be postmarked or sent by electronic mail by 5 p.m. on April 2, 2002, in accordance with guidelines provided in the solicitation.

FOR FURTHER INFORMATION CONTACT: The complete solicitation is available through the Internet at *http://www.epa.gov/region4/water/pgtab/cooperativeagreement.html* or by contacting Dorothy Rayfield, Chief, Grants and Technical Assistance Section, at 404/562–9278 or *rayfield.dorothy@epa.gov.* Written inquiries may be sent to the Grants and Technical Assistance Section, Water Management Division, EPA Region 4, Sam Nunn Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.

SUPPLEMENTARY INFORMATION: *Eligible Project Areas:* All projects must be implemented within the geographic boundaries of EPA Region 4, which includes the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee and some Tribal lands. To be eligible, the project area must be located within a watershed that contains one or more priority water bodies identified on a 303(d) List of Impaired Waters or documented as impaired by an Indian Tribe in the Region. Priority will be given to watersheds which are 11-digit or 14-digit Hydrologic Unit Codes, and watersheds with established implementation plans for improving or restoring water quality. Examples of acceptable implementation plans include local watershed plans, total maximum daily load implementation plans, and river basin plans.

Eligible Project Areas: Eligible activities are those that support the restoration of impaired waters in priority watersheds. Examples of eligible activities include watershed coordination, education, and evaluation of the effectiveness of best management practices in preventing or reducing water pollution. EPA will give priority to projects which actively involve stakeholders and focus on one of the following program areas: Concentrated animal feeding operations, sanitary sewer overflows, combined sewer overflows, storm water, wetlands protection, or biosolids management. Further priority will be given to activities that directly support the implementation of existing implementation plans to improve or restore water quality. In order to receive maximum benefits from the limited funds available, additional consideration will be given to projects which build capacity to protect the watershed, and projects which result in methodologies or outputs that can be used in other watersheds.

Authority: 33 U.S.C. 1254(b)(3) Pub. L. 100–4.

Dated: February 1, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 02–3770 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00657A; FRL–6824–8]

EPA-USDA Committee To Advise on Reassessment and Transition (CARAT); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA-U.S. Department of Agriculture (USDA) Committee to Advise on Reassessment and Transition (CARAT) will hold a public meeting on February 27 and 28, 2002. This meeting will focus on tolerance reassessment for

pesticides as required by the Food Quality Protection Act of 1996 and strategic approaches for pest management planning. Included will be a report from the CARAT work group on Cumulative Risk Assessment Public Participation Process for the Organophosphate Pesticides.

DATES: The meeting will be held on Wednesday, February 27, 2002, from 9 a.m. to 5 p.m., and on Thursday, February 28, 2002, from 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the Hilton Crystal City, 2399 Jefferson Davis Highway, Arlington, VA 22202 (703) 418–6800.

FOR FURTHER INFORMATION CONTACT: Margie Fehrenbach, Office of Pesticide Programs (7501C), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone number: (703) 308–4775; fax number: (703) 308–4776; e-mail address: fehrenbach.margie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who are concerned about implementation of the Food Quality Protection Act (Public Law 104–170). Passed in 1996, this new law strengthens the nation's system for regulating pesticides on food. CARAT is preceded by the Tolerance Reassessment Advisory Committee (TRAC) which was established in 1998, in order for EPA and USDA to work together to ensure smooth implementation of FQPA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access information about CARAT, go directly to the Home Page for EPA's Office of Pesticide Programs at http://www.epa.gov/pesticides/carat.

2. *In person*. The Agency has established an administrative record for this meeting under docket control number OPP–00657. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the CARAT. This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. Background

CARAT was established in accordance with the Federal Advisory Committee Act as a subcommittee under the auspices of the EPA National Advisory Council for Environmental Policy and Technology (NACEPT). The purpose of CARAT is to provide advice and counsel to the Administrator of EPA and the Secretary of Agriculture regarding strategic approaches for pest management planning and tolerance reassessment for pesticides as required by the Food Quality Protection Act of 1996 (FQPA). Through CARAT, EPA and USDA are working together to ensure smooth implementation of FPQA through use of sound science, consultation with stakeholders, increased transparency, and reasonable transition for agriculture. CARAT is composed of experts that include farmers, environmental/public interest groups, public health officials, pediatric experts, pesticide trade associations and manufacturers, food processors and distributors, academicians, and tribal, State and local governments.

IV. How Can I Participate in this Meeting?

CARAT meetings and workshops are open to the public under section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463. Outside statements by observers are welcome. Oral statements will be limited to 3–5 minutes, and it is preferred that only one person per organization present the statement. Any person who wishes to file a written statement may do so before or after the workshop. These statements will become part of the permanent record and will be available for public inspection at the address under Unit II.2.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 7, 2002.

James Jones,

Acting Director, Office of Pesticide Programs.

[FR Doc. 02–3775 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30520; FRL–6822–6]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket control number OPP–30520, must be received on or before March 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30520 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By Mail: Akiva Abramovitch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8328 and e-mail address: abramovitch.akiv@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide

manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at *http://www.epa.gov/*. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–30520. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30520 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–30520. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the registration activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Registration Applications

EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredients not Included in any Previously Registered Products

1. *File Symbol*: 264–LII. *Applicant*: Aventis USA, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709–2014. *Product name*: Technical Acetamiprid.*Active ingredient*: Acetamiprid at 100%. *Proposed classification/Use*: None. For manufacturing use only.

2. *File Symbol*: 264–ANA. *Applicant*: Aventis USA. *Product name*: Pristine Brand RTU. *Active ingredient*: Acetamiprid at .006%. *Proposed classification/Use*: None. For

homeowners use on flowers, ornamental plants, leafy and fruiting vegetables, cole crops, and citrus and pome fruits.

3. *File Symbol*: 264–ANT. *Applicant*: Aventis USA. *Product name*: Chipco Brand TriStar 70 WSP Insecticide. *Active ingredient*: Acetamiprid at 70%.*Proposed classification/Use*: None. For commercial use on ornamental and flowering of plants grown outdoors and is greenhouses.

4. *File Symbol*: 264–ANI. *Applicant*: Aventis USA. *Product name*: Adjust Brand 70WP Insecticide Seed Treatment. *Active ingredient*: Acetamiprid at 70%.*Proposed classification/Use*: None. For use as a seed treatment on canola and mustards.

5. *File Symbol*: 264–ANO. *Applicant*: Aventis USA. *Product name*: Assail Brand 70 WP Insecticide.*Active ingredient*: Acetamiprid at 70%. *Proposed classification/Use*: None. For agriculture and commercial use on leafy vegetables, cole crops, fruiting vegetables, citrus and pome fruits, and grapes.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 6, 2002.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 02–3660 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1068; FRL–6822–2]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1068, must be received on or before March 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1068 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis McNeilly, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6742; and e-mail address: mcneilly.dennis@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at *http://www.epa.gov/*. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*.

2. *In person*. The Agency has established an official record for this action under docket control number PF–1068. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1068 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1068. Electronic comments

may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 5, 2002.

Richard P. Kiegwin, Jr.,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner's summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

DowAgroSciences LLC

PP 1F6312

EPA has received a pesticide petition (1F6312) from DowAgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of:

1. Fluoride in or on the following raw agricultural commodities: Date at 5 parts per million (ppm), fig at 5 ppm, plum, prune, dried at 5 ppm, grape, raisin at 5 ppm, fruit, dried at 5 ppm, almond at 10 ppm, pecan at 23 ppm, pistachio at 18 ppm, walnut at 30 ppm, beechnut; butternut; cashew; chestnut; chinquapin; filbert; nut, brazil; nut, hickory; and nut, macadamia at 30 ppm, barley, grain at 10 ppm, corn, field, grain; and corn, pop, grain at 7 ppm, oat, grain at 17 ppm, rice, grain at 10 ppm, wheat, grain at 25 ppm, millet, grain; rice, wild, grain; sorghum, grain; and triticale, grain at 25 ppm and on the processed products corn, field, flour at 26 ppm, corn, field, grits at 10 ppm, corn, field, meal at 28 ppm, corn, field, oil at 3 ppm, rice, brown at 14 ppm, rice, polished rice at 18 ppm, rice, bran at 31 ppm, rice, hulls at 35 ppm, wheat, bran at 40 ppm, wheat, flour at 10 ppm, wheat, germ at 98 ppm, wheat milled by products at 35 ppm, wheat, shorts at 38 ppm, corn, field, refined oil at 3 ppm.

2. Sulfuryl fluoride in or on the following raw agricultural commodities: Date at 0.03 ppm, fig at 0.05 ppm, plum, prune, dried at 0.01 ppm, grape, raisin at 0.01 ppm, fruit, dried at 0.05 ppm, almond at 0.2 ppm, pecan at 6.0 ppm, pistachio at 0.5 ppm, walnut at 6.0 ppm, beenut; butternut; cashew; chestnut; chinquapin; filbert; nut, brazil; nut, hickory; and nut, macadamia at 6.0 ppm, barley, grain at 0.01 ppm, corn, field, grain and corn, pop, grain at 0.04 ppm, oat, grain at 0.01 ppm, rice, grain at 0.04 ppm, wheat, grain at 0.05 ppm, millet, grain; rice, wild, grain; sorghum, grain; triticale, grain at 0.05 ppm and on the processed products corn, field, flour at 0.01 ppm, corn, field, grits at 0.01 ppm, corn, field, meal at 0.01 ppm, corn, field, refined oil at 9.0 ppm, rice, brown at 0.01 ppm, rice, polished rice at 0.01 ppm, rice, bran at 0.01 ppm, rice, hulls at 0.08 ppm, wheat, bran at 0.01 ppm, wheat, flour at 0.03 ppm, wheat, germ at 0.01 ppm, wheat milled byproducts at 0.01 ppm, wheat, shorts at 0.01 ppm.

EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of sulfuryl fluoride is adequately understood for the purposes of this tolerance. Potential residues of sulfuryl fluoride and its degradation product fluoride and sulfate were investigated. Residues of sulfuryl fluoride in treated commodities are transient and rapidly decrease to very low parts per billion (ppb) or non-detectable levels. Residues of fluoride and sulfate resulting from the fumigation of commodities with sulfuryl fluoride were measurable and predictable. Sulfate as a terminal residue of sulfuryl fluoride is not considered of toxicological significance due to its natural abundance and pervasiveness in living systems.

2. *Analytical method*. Analytical methods have been developed and validated to determine the residues of sulfuryl fluoride and fluoride in the listed commodities. The sulfuryl fluoride method is based on gas chromatography/electron capture detector (GC/ECD) with a limit of quantitation (LOQ) of 4.0 ppb in dried fruit, and tree nuts, and 8.0 ppb in grains, and grain processed products.

The fluoride method utilizes a fluoride ion specific electrode. The fluoride ion method was validated with a LOQ of 2.4 ppm in dried fruit, and tree nuts, and 0.5 ppm in grains, and grain processed products.

3. *Magnitude of residues*. Residue data in support of the proposed temporary tolerances for sulfuryl fluoride and the degradate of interest, fluoride, in the listed commodities have been generated. Tree nuts (walnuts, pistachios, pecans, and almonds), and dried fruits (dates, figs, dried plums, and raisins) were treated with sulfuryl fluoride at target doses ranging from 200 milligrams hour/liter (mg hr/L) to 1,500 mg hr/L. At the completion of a 24 aeration interval, following the single fumigation at 200 mg hr/L, sulfuryl fluoride residues were observed only in walnuts, pecans, and figs with average residues of 0.072 µg/g, 0.046 µg/g and 0.005 µg/g, respectively. The effect of multiple fumigations at 1,500 mg hr/L per fumigation on residue levels indicated presence of sulfuryl fluoride residues in all of the commodities tested except in dried plums (no detectable residue). At the completion of a 24 aeration interval following each fumigation, sulfuryl fluoride average residue levels in the commodities were in the following order: Pecans (2.27–5.16 µg/g) >pistachios (0.036–0.29 µg/g) >almonds (0.036–0.13 µg/g) >figs (0.012–0.0141 µg/g) >dates (ND–0.007 µg/g) >dried plums ND. Fluoride ion residues were measured after dissipation of sulfuryl fluoride residues (<LOQ). In general, the fluoride ion levels resulting from the single fumigation with concentration x time (CT) product of 200 mg hr/L were either not detected or ≤LOQ for both tree nuts and dried fruits. Only almonds contained measurable levels of fluoride ion with an average of 3.4 µg/g. For multiple fumigations (2–5 times) at 1,500 mg hr/L each fumigation, average fluoride ion levels in dried fruits were either not detected or <LOQ, except for dried plums indicating an average residue (2.6 µg/g) near the LOQ. Fluoride ion residues were detected in tree nuts after each fumigation (3 fumigations). After the first fumigation, the average fluoride ion residues were approximately 4 µg/g, 5 µg/g, and 9 µg/g in pistachios, almonds, and pecan, respectively. After the last fumigation, the fluoride ion levels increased to approximately 10 µg/g, 16 µg/g, and 21 µg/g in almonds, pistachios, and pecans, respectively. Vacuum fumigation of tree nuts (4–hour exposure, target CT product of 200 mg hr/L) resulted in higher SF levels in the commodity than from fumigations at NAP, however, fluoride levels remained low following vacuum fumigation, less than the method LOQ (2.4 µg/g commodity).

Cereal and small grains and their processed products were treated with sulfuryl fluoride at target doses ranging from 200 mg hr/L to 1,500 mg hr/L. Sulfuryl fluoride dissipated rapidly with residues at <LOQ (with one exception), immediately following the 24–hour aeration, one sample (white corn) at the 1,500 mg hr/L dose showed a residue of 0.019 µg/g after the 24–hour aeration interval. Fluoride ion residues measured in whole grains following the fumigations ranged from <LOQ to 1.8 µg/g (200 mg hr/L dose level) and from 1.0 to 7.5 µg/g (1,500 mg hr/L dose level). The processing of sulfuryl fluoride-fumigated whole grain wheat containing fluoride ion at 1.19 µg/g yielded flour, shorts, bran, middlings, impurities, and germ containing fluoride ion at 0.446 µg/g, 1.50 µg/g, 3.05 µg/g, 0.718 µg/g, 1.07 µg/g, and 5.74 µg/g, respectively. The processing of fumigated whole grain corn containing fluoride ion at 1.76 µg/g produced flour, meal, grits, impurities, containing fluoride ion at 1.29 µg/g, 1.37 µg/g, 0.826 µg/g, and 9.67 µg/g. Fluoride ion was below the LOQ (0.3 µg/g) in corn oil (dry-and wet-milled) and wet-milled starch. Fluoride ion residues were consistently higher in processed products than in the whole grains. Fluoride ion residues in mill-fumigated processed products (germ, flour, meal) ranged from 7 to 90 µg/g, with residues generally following the order of wheat germ >wheat flour >corn flour >corn meal.

On the basis of the residues of fluoride and sulfuryl fluoride that were evaluated, the tolerances identified are supported for the listed commodities.

B. Toxicological Profile

1. *Acute toxicity*. The acute LC_{50} for sulfuryl fluoride is 642 ppm (1,088 milligram/kilogram body weight (mg/kg/bwt) for CD–1 mice exposed for 4 hours.

2. *Genotoxicty*. Genetic toxicity did not occur when sulfuryl fluoride was tested in multiple *in vivo* and *in vitro* tests.

3. *Reproductive and developmental toxicity*. Sulfuryl fluoride did not have any effects on reproductive parameters at dose levels that induced treatment-related effects in parental rats and rabbits. In addition, a teratogenic potential for sulfuryl fluoride was not demonstrated in either rats or rabbits at dose levels that induced maternal toxicity.

4. *Subchronic toxicity*. Several 2–week repeated dose inhalation studies indicate for mice a no observed adverse effect level (NOAEL) of 30 ppm for rat, rabbit, and Beagle dog a NOAEL of 100 ppm.

5. *Chronic toxicity*. The lowest reported chronic NOAEL for sulfuryl fluoride is 5 ppm based on a 2–year inhalation study with Fischer 344 rats and the parental NOAEL in a 2–generation rat reproduction study. There was no evidence of carcinogenicity in 2–year rat and 18–month mouse studies.

6. *Animal metabolism*. Rats fed a diet that had been fumigated by sulfuryl fluoride at a rate of 2 lb/1,000 cubic/feet (cu/ft) (containing fluoride levels of 19 ppm above the control level of 36 ppm) for 66 days experienced an increase in the fluoride content of their bones. The National Research Council in their 1993 report on fluoride concluded that fluoride is readily absorbed by the gut and rapidly becomes associated with teeth and bones. The remaining fluoride is eliminated almost exclusively by the kidneys with the rate of renal clearance related directly to urinary pH.

7. *Metabolite toxicology*. Clinical symptoms of acute fluoride poisoning in humans are characterized by nausea, vomiting, diarrhea, abdominal pain, and paresthesia. The frequently cited ''probably toxic dose,'' the dose which should trigger therapeutic intervention and hospitalization, is 5 mg/kg/bwt calculated for the lowest third percentile of the infant population. Five to 10 grams of sodium fluoride is considered the certainly lethal dose (CLD) for a 70 kg adult (32 to 64 mg fluoride per kg bwt). One-quarter of the CLD can be ingested without producing serious acute toxicity and is known as the safely tolerated dose, i.e., 8 to 16 mg of fluoride per kg of body weight. The Council on Dental Therapeutics of the American Dental Association recommends that ''no more than 264 mg of NaF (120 mg F) be dispensed at any one time'' in dental treatments to prevent the accidental poisoning of an infant weighing as little as 10 kilograms. EPA (cryolite RED decision, August 1996) determined a maximum concentration limit goal (MCLG) of 0.114 mg/kg/day for fluoride which provides protection from any known or anticipated adverse health effects. The MCLG has been reviewed and supported by the surgeon general. The National Toxicology Program (NTP) has concluded that there was ''no evidence'' of carcinogenic activity in male or female mice administered sodium fluoride in drinkingwater for 2 years.

8. *Endocrine disruption*. There is no evidence from any studies to suggest

that sulfuryl fluoride or fluoride are endocrine disrupters.

C. Aggregate Exposure

1. *Dietary exposure*. The Dietary Exposure Evaluation Model (DEEM), version 7.73, of Novigen Sciences, Inc. was used to estimate the dietary exposure to the U.S. population and critical sub-populations resulting from the use of sulfuryl fluoride under the conditions proposed. The highest potential chronic exposures to sulfuryl fluoride was to children ages 1 to 6 years resulting from the consumption of treated commodities totaling 0.000106 mg/kg/bwt/day. Likewise, the highest potential chronic exposure to fluoride was to children ages 1 to 6 years with a highest estimated exposure of 0.002419 mg/kg/bwt/day.

i. *Food*. Food tolerances as inorganic fluorine compounds exist to support the uses of cryolite (insecticide) on various food and feed commodities in the U.S. EPA, in the 1996 cryolite RED document, conservatively estimates that the ''high-end'' dietary exposures to fluoride due to all sources and routes (including the fluorination of water and the potential for fluoride residues resulting from the uses of cryolite) are approximately 0.085 mg/kg/bwt/day. No toxicological endpoint attributable to a single exposure was identified in the available toxicology studies on sulfuryl fluoride or inorganic fluoride that would be applicable for an acute dietary exposure.

ii. *Drinking water*. There is no anticipated exposure of sulfuryl fluoride to drinking water. As a public health tool to aid in the prevention of dental caries, fluoride is added to some domestic water supplies at generally 0.8 ppm to 1.0 ppm.

2. *Non-dietary exposure*. Sulfuryl fluoride (as Vikane specialty gas fumigant) is presently used to fumigate homes and other structures to control wood infesting insects. The existing Vikane use patterns and exposed populations are not expected to overlap with the intended post-harvest uses of ProFume.

D. Cumulative Effects

The primary degradation product of sulfuryl fluoride is fluoride. The toxicity of fluoride in various forms has been extensively reviewed and is used as an additive in treated water supplies, toothpastes, mouth rinses, and other treatments for the prevention of dental caries. It is also prescribed in therapeutic amounts for the treatment of osteoporosis. Fluoride is naturally present in both food and water in varying amounts, and has been added to public water supplies to fight dental caries. The recommended concentration of fluoride (usually as fluorosilicic acid) in treated water supplies is 0.8 ppm to 1.0 ppm. The third report on nutrition monitoring in the United States says that food contributes only small amounts of fluoride and monitoring the diet for fluoride intake is not very useful for current public health concerns. The sub-population most susceptible to fluoride is children. For this reason a number of studies have attempted to quantify the fluoride intake from a variety of sources. The total daily intake of fluoride from water (used to prepare formula, juices, and other foods) for infants ages birth to 9 months ranged to 1.73 mg with means from 0.29 to 0.38 mg. Assuming a body weight of 10 kg, these amounts are equivalent to 0.03 to 0.04 mg/kg/day. These levels of dietary exposure in combination with the potential dietary exposures that the proposed uses of ProFume would represent (chronic dietary exposures of 0.002419 mg/kg/bwt/day) are considerably lower than EPA's MCLG for fluoride of 0.114 mg/kg/bwt/day.

E. Safety Determination

1. *U.S. population*. Aggregate risk from exposure to sulfuryl fluoride would be minimal because of its rapid dissipation from any fumigated commodity and because it is not expected to be present at the time of food consumption. The sulfuryl fluoride residues in fumigated foods are expected to be non-detectable at the point of food consumption. Furthermore, if residues were considered as high as what is found immediately following the 24–hour aeration period, the margin of exposure to the most sensitive population (children) is estimated to be greater than 80,000 for chronic exposures. Exposure to fluoride, the residue of interest for sulfuryl fluoride, can occur from foods, water, and dental treatments. The additional fluoride residues in some commodities fumigated with sulfuryl fluoride are indistinguishable from the natural levels of fluoride already present and would therefore also fall within EPA's threshold of regulation policy. Alternatively, fluoride in other commodities are expected to contribute to the fluoride that is ingested, but at levels far below other sources, especially treated water and dentrifices. Chronic exposure to fluoride resulting from the proposed uses of ProFume (0.002419 mg/kg/day) is much lower than EPA's MCLG of 0.114 mg/kg/bwt/day calculated for exposure to fluorinated water. In addition, there is no directly applicable scientific documentation of adverse medical effects at levels of fluorine below 0.23 mg/kg/day.

2. *Infants and children*. Chronic exposure to fluoride from the consumption of ProFume treated commodities would be approximately 0.002419 mg/kg/day for a child age 1 to 6 years. This value is much lower than EPA's MCLG of 0.114 mg/kg/bwt/day calculated for exposure to fluorinated water.

F. International Tolerances

There is no Codex maximum residue level established for residues of fluoride on any food or feed crop.

[FR Doc. 02–3661 Filed 2–14–02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PF–1069; FRL–6823–3]

Notice of Filing Pesticide Petitions to Establish Tolerances for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–1069, must be received on or before March 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1069, in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Susan Stanton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5218; e-mail address: *stanton.susan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer.

Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at *http://www.epa.gov/*. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' you can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*.

2. *In person*. The Agency has established an official record for this action under docket control number PF–1069. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1069 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1069. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked, will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 5, 2002.

Richard P. Keigwin, Jr.

Acting Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summaries announce the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

FMC Corporation, Interregional Research Project Number 4 Taipei Economic and Cultural Representative Office

PP 0E6157; 1E6234; 1E6330, 2E6402, 2F6390, 6E4630, and 6F3454

EPA has received a pesticide petition (PP 2F6390) and an amended pesticide petition (6F3454) from FMC Corporation, 1735 Market Street, Philadelphia, PA 19103 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180.442, by establishing a tolerance for residues of bifenthrin, (2-methyl 1,1'-biphenyl-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate, in or on agricultural commodities as follows:

1. PP 2F6390 proposes a tolerance in or on food products in food handling establishments at 0.01 parts per million (ppm).

2. PP 6F3454 proposes a tolerance in or on the raw agricultural commodity pears at 1.0 ppm, in or on almond hulls at 2 ppm and in or on the tree nuts crop group at 0.05 ppm.

EPA also received pesticide petitions (6E4630, 0E6157, 2E6402, and 1E6330) from the Interregional Research Project Number 4 (IR-4), 681 U.S. Highway #1 South, North Brunswick, New Jersey 08902 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180.442, by establishing a tolerance for residues of bifenthrin, in or on raw agricultural commodities as follows:

1. PP 6E4630 proposes a tolerance for the leaf petioles subgroup (4B) (includes cardoon, celery, Chinese celery, celtuce, Florence fennel, rhubarb, Swiss chard) at 2.0 ppm.

2. PP 0E6157 proposes a tolerance for the herb subgroup (19A) at 0.05 ppm.

3. PP 1E6330 proposes a tolerance for tomato at 0.15 ppm.

4. PP 2E6402 proposes a tolerance for spinach at 0.2 ppm.

In addition, EPA received a pesticide petition (1E6234) from the Taipei Economic and Cultural Representative Office in the United States, 4301 Connecticut Ave., NW., Suite 420, Washington, DC 20008–2387 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180.442, by establishing an import tolerance for residues of bifenthrin in or on carambola (starfruit) at 1.0 ppm.

EPA has determined that the petitions contain data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time, or whether the data support granting of the petitions. Additional data may be needed before EPA rules on the petitions.

A. Residue Chemistry

1. *Plant metabolism.* The metabolism of bifenthrin in plants is adequately understood. Studies have been conducted to delineate the metabolism of radiolabelled bifenthrin in various crops all showing similar results. The residue of concern is the parent compound only.

2. *Analytical method.* There is a practical analytical method for detecting and measuring levels of bifenthrin in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances Gas Chromatography with Electron Capture Detection (GC/ECD) analytical method P-2132, PP 0E3921, MRID 41658601.

3. *Magnitude of residues.* Field residue trials meeting EPA study requirements have been conducted at the maximum label rate for pears, tree nuts, the herbs subgroup, the leaf petiole subgroup, spinach and tomato. Additionally, a food handling establishment residue study was conducted. Results from the studies demonstrate that the highest bifenthrin residues found will not exceed the proposed tolerances when bifenthrin is applied following the proposed use directions. In addition, field residue trials from Taiwan were submitted in support of the import tolerance for carambola.

B. Toxicological Profile

1. *Acute toxicity.* For the purposes of assessing acute dietary risk, FMC has used the results of a recently completed oral developmental toxicity study in rats. The maternal no observed adverse effect level (NOAEL) is 7.4 mg/kg/day (90 ppm), and is based on treatment-related clinical signs and reductions in body weights, adjusted maternal body weights, and corresponding reductions in food consumption noted among dams receiving 16.3 mg/kg/day (200 ppm). The embryo/fetal NOAEL is in excess of 16.3 mg/kg/day (200 ppm) based on the lack of any adverse fetal effects at levels up to and including 16.3 mg/kg/day (200 ppm). This acute dietary endpoint is used to determine acute dietary risks to all population subgroups.

2. *Genotoxicty.* The mouse lymphoma mutagenesis assay gave a weak positive result; however, the weight of the evidence from short-term mutagenicity tests indicate that bifenthrin is not mutagenic.

3. *Reproductive and developmental toxicity*—i. Rat reproduction study. Parental toxicity occurred as decreased body weight at 5.0 mg/kg/day with a NOAEL of 3.0 mg/kg/day. There were no developmental (pup) or reproductive effects up to 5.0 mg/kg/day (highest dose tested).

ii. Postnatal sensitivity. Based on the absence of pup toxicity up to dose levels, which produced toxicity in the parental animals, there was no evidence of special postnatal sensitivity to infants and children in the rat reproduction study.

4. *Subchronic toxicity.* The results of the 21–day dermal toxicity study in rats are used for short- and intermediate-term dermal risk calculations. The 21–day dermal toxicity study NOAEL for systemic toxicity is 50 mg/kg/day based on significant reductions in tail flick latency and on clinical signs considered indicative of systemic toxicity (i.e., exaggerated hindlimb flexion, exophthalmos and staggered gait, and vocalization).

5. *Chronic toxicity*—i. The reference dose (RfD) has been established at 0.015 mg/kg/day. This RfD is based on a 1–year oral feeding study in dogs with a NOAEL of 1.5 mg/kg/day, based on intermittent tremors observed at the lowest observed adverse effect level (LOAEL) of 3.0 mg/kg/day; an uncertainty factor of 100 is used.

ii. Bifenthrin is classified as a Group C chemical (possible human carcinogen) based upon urinary bladder tumors in mice; assignment of a Q* has not been recommended.

6. *Animal metabolism.* The metabolism of bifenthrin in animals is adequately understood. Metabolism studies in rats with single doses demonstrated that about 90% of the parent compound and its hydroxylated metabolites are excreted.

7. *Metabolite toxicology.* The Agency has previously determined that the metabolites of bifenthrin are not of toxicological concern, and need not be included in the tolerance expression.

8. *Endocrine disruption.* No special studies investigating potential estrogenic or other endocrine effects of bifenthrin have been conducted. However, no evidence of such effects was reported in the standard battery of required toxicology studies, which have been completed and found acceptable. Based on these studies, there is no evidence to suggest that bifenthrin has an adverse effect on the endocrine system.

C. Aggregate Exposure

1. *Dietary exposure.* Tolerances have been established for the residues of bifenthrin, in or on a variety of raw agricultural commodities. Tolerances, in support of registrations, currently exist for residues of bifenthrin on the following crops: Hops, strawberries, corn (grain, forage and fodder), sweet corn, eggplant, cottonseed, artichokes, peppers (bell and non-bell), lettuce (head), and grapes. Also for the crop group cucurbit vegetables and the subgroup edible-podded legume, succulent shelled peas, caneberries, cabbage, rapeseed and brassica (head and stem). Also, for the livestock commodities of cattle, goats, hogs, horses, sheep, poultry, eggs, and milk. Pending tolerances for leafy petioles, leafy brassica, tree nuts crop group, tomatoes, food handling establishments, citrus, bananas, peanuts, pears, potatoes, dried shelled peas/beans, spinach, and the subgroup herbs also exist. For the purposes of assessing the potential dietary exposure for these existing and pending tolerances, FMC conducted an exposure estimate using Novigen's Dietary Exposure Evaluation Model (DEEM) software, results from field trials and processing studies, monitoring data, consumption data from the 1994–1996, 1998 USDA Continuing Surveys of Food Intakes by Individuals (CSFII), and information on the percentages of the crops treated (where available) with bifenthrin were utilized.

i. *Food*—a. *Acute dietary exposure.* Risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. For the purposes of assessing acute dietary risk for bifenthrin, the maternal NOAEL of 7.4 mg/kg/day from the recent oral developmental toxicity study in rats was used. The maternal LOAEL of this study of 16.3 mg/kg/day was based on treatment-related clinical signs and reductions in body weights, adjusted maternal body weights, and corresponding reductions in food consumption. This acute dietary endpoint was used to determine acute dietary risks to all population subgroups. Available information on anticipated residues, monitoring data and percent crop treated (if no estimate was available the conservative estimate of 100% crop treatment was used) were incorporated into a Tier 3 analysis; using Monte Carlo modeling for commodities that may be consumed in a single serving. These assessments demonstrate that the MOEs at the 99.9th percentile are greater than the EPA standard of 100 for all subpopulations. The 99.9th percentile of exposure for the overall U.S. population is estimated to be 0.004623 mg/kg/day (MOE of 1600). The 99.9th percentile of exposure for children 1 to 6 years old (most highly exposed population subgroup) is estimated to be 0.009573 mg/kg/day (MOE of 773). The 99.9th percentile of exposure to all infants less than 1 year old is estimated to be 0.004535 mg/kg/day (MOE of 1631). The 99.9th percentile of exposure for nursing infants less than one 1 year old is estimated to be 0.002561 mg/kg/day (MOE of 2889). The 99.9th percentile of exposure to non-nursing infants less than 1 year old is estimated to be 0.004801 mg/kg/day (MOE of 1541). Based on the conservatism used in the analyses, actual dietary exposure will be less than that presented here. FMC concludes that based on adequate MOEs for all population subgroups, there is reasonable certainty that no harm will result from the proposed additional uses of bifenthrin.

b. *Chronic exposure.* The acceptable RfD for bifenthrin, based on a NOAEL of 1.5 mg/kg/day from the chronic dog study and an uncertainty factor of 100 (to account for interspecies and intraspecies variations), is 0.015 mg/kg/day. The endpoint effect of concern was tremors in both sexes of dogs at the LOAEL of 3.0 mg/kg/day. A chronic dietary exposure/risk assessment has been performed for bifenthrin using the RfD of 0.015 mg/kg/day. The chronic exposures for the U.S. population are estimated to be 0.000530 mg/kg/day and utilize 3.5% of the RfD. The chronic exposures for children 1 to 6 years old (most highly exposed population subgroup) is estimated to be 0.001415 mg/kg/day and utilizes 9.4% of the RfD. Chronic dietary exposure estimates for the overall U.S. population and 25 population subgroups (including infants and children) are all less than 10% of the chronic RfD of 0.015 mg/kg/day, therefore, FMC concludes with reasonable certainty that no harm will result from the proposed additional uses of bifenthrin.

ii. *Drinking water.* EPA's draft standard operating procedures (SOP) for incorporating estimates of drinking water exposure into aggregate risk assessments was used to perform a drinking water analysis. This SOP utilizes a variety of tools to conduct drinking water assessment. These tools include water models such as FQPA Index Reservoir Screening Tool (FIRST), PRZM/EXAMS, SCIGROW and monitoring data. If monitoring data are not available, then the models are used to predict potential residues in surface water. A comparison of the calculated Drinking Water Level of Concern (DWLOC) value to the Drinking Water Estimated Concentration (DWEC) is made. If the DWLOC exceeds the DWEC value, then there is reasonable certainty that no harm will result from the short- or intermediate-term aggregate exposure. In the case of bifenthrin, monitoring data do not exist, so the FIRST model was used to estimate a surface water residue. Based on the analyses, the short-term DWLOCs were greater than 530 ppb while the modeled DWEC was 14 parts per trillion (ppt). The intermediate-term DWLOCs was greater than 1,000 ppb while the modeled DWEC was 14 pptr. Since, the calculated DWLOC values for short- and intermediate-term exposures for all adults, adult females, and toddlers exceed the modeled DWEC surface water residues, there is reasonable certainty that no harm will result from aggregate (food, water, and residential) exposure to bifenthrin residues.

2. *Non-dietary exposure.* A variety of techniques are used to assess exposure to pesticidal residues. These techniques range from utilizing straightforward algorithms to complex exposure models. The residential exposure algorithms and default factors in the EPA's Standard Operating Procedures for Residential Exposure Assessments were used in this analysis. The values used include the modifications to the default factors presented by the EPA to the Science Advisory Panel during 2001. The EPA also has created models and data bases to use in the absence of adequate data such as: Pesticide Handlers Exposure Data Base (PHED). The aggregate residential exposure analyses were based on conservative screening-level assumptions. The residential risk assessments resulted in acceptable MOEs and a clear indication of reasonable certainty of no harm. The short-term analyses, all of the route- and product-specific MOEs were greater

than 1,000, and the aggregate MOEs were greater than 100. The short-term aggregate MOEs for all adults is estimated to be 153, adult females 131, and toddlers 235. The intermediate-term analyses, all of the route- and product-specific MOEs were greater than 6,000, and the aggregate MOEs were greater than 2,000. The intermediate-term aggregate MOEs for all adults is estimated to be 4,430, adult females 4,348, and toddlers 2,394. Based on the above information, FMC concludes that bifenthrin does not pose a risk due to short- and intermediate-term aggregate exposure.

D. Cumulative Effects

To our knowledge there are currently no available data, or other reliable information indicating that any toxic effects produced by bifenthrin would be cumulative with those of other chemical compounds; thus, only the potential risks of bifenthrin have been considered in this assessment of its aggregate exposure.

E. Safety Determination

1. *U.S. population.* Using the conservative exposure assessment analyses the estimated chronic exposure to the U.S. population is 0.000530 mg/kg/day and utilizes 3.5% of the RfD. In addition, the chronic exposure estimates for all 25 population subgroups (including infants and children) are well below the chronic RfD of 0.015 mg/kg/day. The acute dietary exposure analyses at the 99.9th percentile for the U.S. population is 0.004623 with a MOE of 1600. In addition, the acute exposure estimates for population subgroups of concern (women of childbearing age, infants, and children) indicate there are adequate MOEs (greater than 100). Based on this information, FMC concludes that there is reasonable certainty that no harm will result from acute and chronic exposure to bifenthrin.

2. *Infants and children*—i. *General.* In assessing the potential for additional sensitivity of infants and children to residues of bifenthrin, FMC considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to the systemic toxicity. FFDCA section 408, provides that the EPA may apply an additional margin of safety for infants and children in the case of threshold effects to account for prenatal, and postnatal toxicity and completeness of the data base.

ii. *Developmental toxicity studies.* In the rabbit developmental study, there were no developmental effects observed in the fetuses exposed to bifenthrin. The maternal NOAEL was 2.67 mg/kg/day based on head and forelimb twitching at the LOAEL of 4 mg/kg/day. In the rat developmental study, the maternal NOAEL was 7.4 mg/kg/day, based on treatment-related clinical signs and reductions in body weights, adjusted maternal body weights, and corresponding reductions in food consumption noted among dams receiving the LOAEL of 16.3 mg/kg/day. The developmental NOAEL was greater than 16.3 mg/kg/day based on lack of any adverse fetal effects at levels up to and including 16.3 mg/kg/day.

iii. *Reproductive toxicity study.* In the rat reproduction study, parental toxicity occurred as decreased body weight at 5.0 mg/kg/day with a NOAEL of 3.0 mg/kg/day. There were no developmental (pup) or reproductive effects up to 5.0 mg/kg/day (highest dose tested).

iv. *Conclusion.* Based on the absence of fetal effects and pup toxicity in any of the referenced studies, FMC concludes that reliable data support use of the standard 100-fold uncertainty factor, and that an additional uncertainty factor is not needed to protect the safety of infants and children. As previously stated, aggregate exposure assessments utilized less than 10% of the RfD for either the entire U.S. population or any of the population subgroups including infants and children. Therefore, it may be concluded that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to bifenthrin residues.

F. International Tolerances

There are no Codex, Canadian, or Mexican residue limits for the residue of bifenthrin in or on pears, the tree nut crop group, foods in food handling establishments, the herb subgroup, the leaf petiole subgroup, spinach, carambola or tomato.

[FR Doc. 02–3663 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50893; FRL–6823–5]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits (EUPs) to the following pesticide applicants. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: *By mail*: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

In person or by telephone: Contact the designated person at the following address at the office location, telephone number, or e-mail address cited in each EUP: 1921 Jefferson Davis Hwy., Arlington, VA.

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 those persons who conduct or sponsor research on 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 action, consult the designated contact person listed for the individual EUP.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document from the EPA Internet Home Page at *http://www.epa.gov/*. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at *http://www.epa.gov/fedrgstr/*.

II. EUPs

EPA has issued the following EUPs:

100–EUP–RNO. Issuance. Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419. This EUP allows the use of 120.8 pounds of the insecticide thiamethoxam on 1,230 sq. ft. of 615 structures over a period of 3 years to evaluate the control of termites and other nuisance pests around homes. The program is authorized only in the States of Alabama, Arizona, California, Florida, Georgia, Hawaii, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The

EUP is effective from April 30, 2002 to October 30, 2005. (Dani Daniel; Rm. 211, Crystal Mall #2; telephone number: (703) 305–5409; e-mail address: *daniel.dani@epa.gov*).

100–EUP–RRN. Issuance. Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419. This EUP allows the use of 120.8 pounds of the insecticide thiamethoxam on 1,230 sq. ft. of 615 structures over a period of 3 years to evaluate the control of termites and other nuisance pests around homes. The program is authorized only in the States of Alabama, Arizona, California, Florida, Georgia, Hawaii, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The EUP is effective from April 30, 2002 to October 30, 2005. (Dani Daniel; Rm. 211, Crystal Mall #2; telephone number: (703) 305–5409; e-mail address: daniel.dani@epa.gov).

Persons wishing to review these EUPs are referred to the designated contact person. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 6, 2002.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 02–3662 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00330; FRL–6815–8]

National Advisory Committee for Acute Exposure Guideline Levels (AEGLs) for Hazardous Substances; Proposed AEGL Values

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) is developing AEGLs on an ongoing basis to provide Federal, State, and local agencies with information on short-term exposures to hazardous chemicals. This notice provides AEGL values and Executive Summaries for eight chemicals for public review and comment. Comments are welcome on both the AEGL values in this notice and the technical support documents placed in the public version of the official docket for these eight chemicals.

DATES: Comments, identified by docket control number OPPTS–00330, must be received on or before March 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00330 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul S. Tobin, Designated Federal Officer (DFO), Office of Pollution Prevention and Toxics (7406M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8557; e-mail address: tobin.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the general public to provide an opportunity for review and comment on ''Proposed'' AEGL values and their supporting scientific rationale. This action may be of particular interest to anyone who may be affected if the AEGL values are adopted by government agencies for emergency planning, prevention, or response programs, such as EPA's Risk Management Program under the Clean Air Act and Amendments Section 112r. It is possible that other Federal agencies besides EPA, as well as State and local agencies and private organizations, may adopt the AEGL values for their programs. As such, 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 DFO listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–00330. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00330 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East

Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

3. *Electronically*. You may submit your comments electronically by e-mail to: oppt.ncic@epa.gov, or mail or deliver your computer disk to the appropriate address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–00330. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the various options we propose, new approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider during the development of the final action. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. Introduction

EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) provided notice on October 31, 1995 (60 FR 55376) (FRL–4987–3) of the establishment of the NAC/AEGL Committee with the stated charter objective as ''the efficient and effective development of AEGLs and the preparation of supplementary qualitative information on the hazardous substances for federal, state, and local agencies and organizations in the private sector concerned with [chemical] emergency planning, prevention, and response.'' The NAC/AEGL Committee is a discretionary Federal advisory committee formed with the intent to develop AEGLs for chemicals through the combined efforts of stakeholder members from both the public and private sectors in a cost-effective approach that avoids duplication of efforts and provides uniform values, while employing the most scientifically sound methods available. An initial priority list of 85 chemicals for AEGL development was published in the **Federal Register** of May 21, 1997 (62 FR 27734) (FRL–5718–9). This list is intended for expansion and modification as priorities of the stakeholder member organizations are further developed. While the development of AEGLs for chemicals are currently not statutorily based, at lease one rulemaking references their planned adoption. The Clean Air Act and Amendments Section 112(r) Risk Management Program states, ''EPA recognizes potential limitations associated with the Emergency Response Planning Guidelines and Level of Concern and is working with other agencies to develop AEGLs. When these values have been developed and peer-reviewed, EPA intends to adopt them, through rulemaking, as the toxic endpoint for substances under this rule (see 61 FR 31685).'' It is believed that other Federal, State and local agencies, and private organizations will also adopt AEGLs for chemical emergency programs in the future.

B. Characterization of the AEGLs

The AEGLs represent threshold exposure limits for the general public and are applicable to emergency exposure periods ranging from 10 minutes to 8 hours. AEGL-1, AEGL-2, and AEGL-3 levels, as appropriate, will be developed for each of five-exposure periods (10 and 30 minutes, 1 hour, 4 hours, and 8 hours) and will be distinguished by varying degrees of severity of toxic effects. It is believed that the recommended exposure levels are applicable to the general population including infants and children, and other individuals who may be sensitive and susceptible. The AEGLs have been defined as follows:

AEGL-1 is the airborne concentration (expressed as parts per million (ppm) or milligrams/meter cubed (mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic, non-sensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.

AEGL-2 is the airborne concentration (expressed as ppm or mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience irreversible or other serious, long-lasting adverse health effects, or an impaired ability to escape.

AEGL-3 is the airborne concentration (expressed as ppm or mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience life-threatening health effects or death.

Airborne concentrations below the AEGL-1 represent exposure levels that could produce mild and progressively increasing odor, taste, and sensory irritation or certain non-symptomatic, non-sensory effects. With increasing airborne concentrations above each AEGL level, there is a progressive increase in the likelihood of occurrence and the severity of effects described for each corresponding AEGL level. Although the AEGL values represent threshold levels for the general public, including sensitive subpopulations, it is recognized that certain individuals, subject to unique or idiosyncratic

responses, could experience the effects described at concentrations below the corresponding AEGL level.

C. Development of the AEGLs

The NAC/AEGL Committee develops the AEGL values on a chemical-by-chemical basis. Relevant data and information are gathered from all known sources including published scientific literature, State and Federal agency publications, private industry, public data bases, and individual experts in both the public and private sectors. All key data and information are summarized for the NAC/AEGL Committee in draft form by Oak Ridge National Laboratories together with ''draft'' AEGL values prepared in conjunction with NAC/AEGL Committee members. Both the ''draft'' AEGLs and ''draft'' technical support documents are reviewed and revised as necessary by the NAC/AEGL Committee members prior to formal NAC/AEGL Committee meetings. Following deliberations on the AEGL values and the relevant data and information for each chemical, the NAC/AEGL Committee attempts to reach a consensus. Once the NAC/AEGL Committee reaches a consensus, the values are considered ''Proposed'' AEGLs. The Proposed AEGL values and the accompanying scientific rationale for their development are the subject of this notice.

In this notice, the NAC/AEGL Committee publishes proposed AEGL values and the accompanying scientific rationale for their development for eight hazardous substances. These values represent the sixth set of exposure levels proposed and published by the NAC/AEGL Committee. EPA published the first ''Proposed'' AEGLs for 12 chemicals from the initial priority list in the **Federal Register** of October 30, 1997 (62 FR 58840–58851) (FRL–5737–3); for 10 chemicals in the **Federal Register** of March 15, 2000 (65FR 14186–14196) (FRL–6492–4); for 14 chemicals in the **Federal Register** of June 23, 2000 (65 FR 39263–39277) (FRL–6492–4); for 7 chemicals in the **Federal Register** of December 13, 2000 (65 FR 77866–77874) (FRL–6752–5); and for 18 chemicals in the **Federal Register** of May 2, 2001 (66 FR 21940–21964) (FRL–6776–3) in order to provide an opportunity for public review and comment. In developing the proposed AEGL values, the NAC/AEGL Committee has followed the methodology guidance entitled ''Guidelines for Developing Community Emergency Exposure Levels for Hazardous Substances,'' published by the National Research Council of the National Academy of Sciences (NAS) in 1993. The term Community Emergency Exposure Levels (CELLS) is synonymous with AEGLs in every way. The NAC/AEGL Committee has adopted the term acute exposure guideline levels to better connote the broad application of the values to the population defined by the NAS and addressed by the NAC/AEGL Committee. The NAC/AEGL Committee invites public comment on the proposed AEGL values and the scientific rationale used as the basis for their development.

Following public review and comment, the NAC/AEGL Committee will reconvene to consider relevant comments, data, and information that may have an impact on the NAC/AEGL Committee's position and will again seek consensus for the establishment of Interim AEGL values. Although the Interim AEGL values will be available to Federal, State, and local agencies and to organizations in the private sector as biological reference values, it is intended to have them reviewed by a subcommittee of the NAS. The NAS subcommittee will serve as a peer review of the Interim AEGL values and as the final arbiter in the resolution of issues regarding the AEGL values, and the data and basic methodology used for setting AEGLs. Following concurrence, ''Final'' AEGL values will be published under the auspices of the NAS.

III. List of Chemicals

On behalf of the NAC/AEGL Committee, EPA is providing an opportunity for public comment on the AEGLs for the eight chemicals identified in the following table. This table also provides the fax-on-demand item number for the chemical-specific documents, which may be obtained as described in Unit I.B.

A. Fax-On-Demand Table

TABLE 1.—FAX-ON-DEMAND NUMBER

CAS No.	Chemical name	Fax-On-Demand Item No.
56–23–5	Carbon tetrachloride	4851
75–56–9	Propylene oxide	4864
7637–07–2	Boron trifluoride-dimethyl ether	4892
7782–50–5	Chlorine	4916
7783–81–5	Uranium hexafluoride	4919
10049–04–4	Chlorine dioxide	4926
163702–07–6	Methyl nonafluorobutyl ether (HFE-7100 component)	4933
163702–08–7	Methyl nonafluoroisobutyl ether (HFE-7100 component)	4934

B. Executive Summaries

The following are executive summaries from the chemical-specific technical support documents (which may be obtained as described in Unit I.B. and III.) that support the NAC/AEGL Committee's development of AEGL values for each chemical substance. This information provides the following: A general description of each chemical, including its properties and principle uses; a summary of the rationale supporting the AEGL-1, 2, and 3 concentration levels; a summary table of the AEGL values; and a listing of key references that were used to develop the AEGL values. More extensive toxicological information and additional references for each chemical may be found in the complete technical support documents. Risk managers may be interested to review the complete technical support document for a chemical when deciding issues related

to use of the AEGL values within various programs.

1. *Carbon tetrachloride*—i. *Description*. Carbon tetrachloride (CAS No. 56–23–5) is a colorless, nonflammable, heavy liquid only slightly soluble in water that is used as a laboratory and industrial solvent, an intermediate in the synthesis of trichlorofluoromethane and dichlorodifluoromethane, and was formerly used as a dry-cleaning agent, grain fumigant, anthelmintic, and fire suppressant.

Numerous case reports were available regarding acute inhalation exposure of humans to carbon tetrachloride although most lacked definitive-exposure terms. These reports, however, affirmed the hepatotoxic and renal toxicity of carbon tetrachloride as well as a delayed response for serious and fatal effects. Additionally, data from controlled exposures of humans to carbon tetrachloride were also available.

Animal toxicity data for inhaled carbon tetrachloride indicate hepatotoxic and renal effects, as well as anesthetic-like effects, as primary endpoints. The most sensitive endpoint for evaluating the toxicity of carbon tetrachloride in animals appears to be measurement of serum enzyme activities that reflect hepatic damage. Several studies provided lethality data for various concentrations and exposure durations but data regarding nonlethal effects were limited or available only from long-term exposure studies.

Studies in animals have shown the metabolism and disposition of carbon tetrachloride to be complex and varied among species. Although the precise mechanism of toxicity is equivocal, the biotransformation of carbon tetrachloride by the monooxygenase enzymes (specifically CYP2E1) to reactive intermediates is critical for expression of toxicity. It is this activation process that is critical in modifying the toxic response to carbon tetrachloride.

The AEGL-1 values were based upon a controlled exposure of human subjects to 158 ppm for 30 minutes (Davis, 1934). The exposure resulted in a feeling of nervousness and slight nausea. Development of AEGL values for the various exposure periods was based upon the exponential function, $C^n \times t = k$ (ten Berge et al., 1986), where n = 2.5 as determined by the lethal response of rats to various exposures of carbon tetrachloride. The AEGL-1 values were adjusted by an uncertainty factor of 10 to account for the protection of sensitive individuals (such as users of alcohol) who, due to metabolism and disposition factors, are known to be more susceptible to the toxic effects of carbon tetrachloride.

The AEGL-2 was also based upon human data from controlled exposure experiments in which subjects experienced headache, nausea, and vomiting following 15-minute exposure to 1,191 ppm carbon tetrachloride (Davis, 1934). It is believed that these effects may impair escape. The AEGL-2 values were derived with temporal scaling based upon the exponential function where n = 2.5. The AEGL values were further adjusted by the application of an uncertainty factor of 10 to account for individuals who may be more susceptible to the toxic effects of carbon tetrachloride due to variability in metabolism and disposition of the chemical.

The AEGL-3 was based upon an estimated lethality threshold (1-hour LC_{01} of 5,135.5 ppm) using data from multiple studies on laboratory rats (Adams et al., 1952; Dow Chemical, 1986). Temporal scaling using the exponential function where n = 2.5 was derived from lethality data and used to develop values for AEGL-specific exposure durations. An uncertainty factor of 10 was again applied to account for individuals who may be more susceptible to the toxic effects of carbon tetrachloride (e.g., P-450 induction by ethanol consumption and overall variability in metabolism and disposition of the chemical). Because animal data were used, an uncertainty factor of 3 was applied to account for possible variability in metabolism and the toxic response among species, bringing the total uncertainty factor adjustment to 30. Application of additional uncertainty factors did not appear to be warranted because animal data showed that long-term exposures to carbon tetrachloride above the AEGL-3 values did not result in notable toxic effects.

Although a carcinogenic response following oral exposure of laboratory species has been demonstrated, quantitative data for inhalation exposures were unavailable. However, a unit risk of 1.5E-5 per μg (gram)/m^3 has been established based upon route-to-route extrapolation from carcinogenicity data for oral exposures in various laboratory species. An estimation of AEGLs based upon carcinogenic potential was conducted but the assessment revealed that AEGLs derived from noncarcinogenic toxicity endpoints were more applicable for human health protection relative to adverse effects following acute inhalation exposures.

The AEGL values developed for carbon tetrachloride did not incorporate the possibility of dermal exposure. If the potential for dermal absorption exists, the AEGL values may not be appropriate. Additionally, for AEGL-2 and AEGL-3 exposures, the possibility exists for long-term hepatotoxic effects possibly requiring the need for antioxidant therapy.

The calculated values are listed in Table 2 below:

TABLE 2.—SUMMARY OF PROPOSED AEGL VALUES FOR CARBON TETRACHLORIDE [PPM (MG/M^3)]

Classification	10-minutes	30-minutes	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	25 (157)	16 (101)	12 (75)	6.9 (43)	5.2 (33)	Nervousness and slight nausea in human subjects exposed for 30 minutes to 158 ppm (Davis, 1934)
AEGL-2 (Disabling)	140 (881)	90 (566)	68 (428)	39 (245)	30 (189)	Nausea, vomiting, headache in human subjects exposed to 1,191 ppm for 15 minutes (Davis, 1934)
AEGL-3 (Lethal)	350 (2,202)	230 (1,447)	170 (1,069)	99 (623)	75 (472)	Lethality in rats; estimated LC_{01} (Adams et al., 1952; Dow Chemical, 1986)

ii. *References*. a. Adams, E.M.; Spencer, H.C.; Rowe, V.K.; McCollister, D.D.; and Irish, D.D. 1952. Vapor toxicity of carbon tetrachloride determined by experiments on laboratory animals. *Archives of Industrial Hygiene and Occupational Medicine*. 6:50–66.

b. Davis, P. A. 1934. Carbon tetrachloride as an industrial hazard. *Journal of the American Medical Association*. 103:962–966.

c. Dow Chemical. 1986. Comparison of the result of exposure of rats and cavies to the vapors of carbon tetrachloride and bromochloromethane. Dated: 7/11/60. EPA-OTS 86-870002363.

d. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

2. *Propylene oxide*—i. *Description*. Propylene oxide (CAS No. 75–56–9) is an extremely flammable, highly volatile, colorless liquid. The odor of propylene oxide has been described as sweet and alcoholic in nature, and has reported odor thresholds ranging from 10 ppm to 200 ppm. The primary industrial uses of propylene oxide include its use in the production of polyurethane foams and resins, propylene glycol, functional fluids (such as hydraulic fluids, heat transfer fluids, and lubricants), and propylene oxide-based surfactants. It is also used as a food fumigant, soil sterilizer, and acid scavenger.

Data addressing inhalation toxicity of propylene oxide in humans were limited to one case report, general environmental work surveys, and molecular biomonitoring studies. Studies addressing lethal and nonlethal inhalation toxicity of propylene oxide were available in monkeys, dogs, rats, mice, and guinea pigs. General signs of toxicity following acute exposure to propylene oxide vapor included nasal discharge, lacrimation, salivation, gasping, lethargy/hypoactivity, weakness, and incoordination. Repeated exposures resulted in similar but generally reversible signs of toxicity.

Propylene oxide is a direct alkylating agent that will covalently bind to DNA and proteins. Consequently, it has tested positive in a number of *in vitro* tests, but has produced equivocal results in *in vivo* test systems. Data addressing the potential carcinogenicity of propylene oxide in animals is considered adequate for establishing propylene oxide as a carcinogen in experimental animals.

The proposed AEGL-1 values for propylene oxide were based on an environmental health survey in which 8-hour time weighted averages (TWA) were determined from a 3-day sampling period during which no worker complaints were noted (Chemical Manufacturers Association (CMA), 1998). The highest 8-hour TWA value of 31.8 ppm was chosen for the derivation. An interspecies uncertainty factor was not needed, since the data were from human exposures. An intraspecies uncertainty factor of 3 was applied because the toxic effects (no complaints noted) were less severe than those defined for the AEGL-1 tier. Therefore, a total uncertainty factor of 3 was applied. These values are supported by mouse data from the National Toxicology Program (NTP) (1985) study. Mice were the most sensitive species tested, and dyspnea was the most sensitive endpoint of toxicity following exposure to propylene oxide. Dyspnea was observed in mice exposed for 4 hours to 387 ppm propylene oxide vapor, the lowest concentration tested, but not in mice exposed to 98.5 ppm propylene oxide vapor or less for 6 hours/day, 5 days/week for 2 weeks (NTP, 1985). Therefore, an AEGL-1 can be derived using the exposure concentration of 98.5 ppm for 6 hours (a no-observed-effect level (NOEL) for dyspnea). Following application of a total uncertainty factor of 3 (interspecies uncertainty factor of 1 because mice were the most sensitive laboratory species tested, and available data indicate that mice are equally or slightly more sensitive than humans; an intraspecies uncertainty factor of 3 because the toxic effect (NOEL for dyspnea) was less severe than that defined for the AEGL-1 tier), one obtains AEGL-1 values approximately two-fold greater than those generated using the human data.

The proposed AEGL-2 values are based on the average of AEGL-2 values derived using four propylene oxide exposure concentrations measured in the breathing zone of three workers (380 ppm for 177 minutes, 525 ppm for 121 minutes, 392 ppm for 135 minutes, and 460 ppm for 116 minutes) (CMA, 1998). The industrial hygienist noted that ''the odor was quite strong during the sampling; however, the irritation was not intolerable.'' The exact nature of the irritation, other than the strong odor, was not provided, but occasional eye irritation was noted in the report as the reason for the monitoring program. When deriving AEGL-2 values, an interspecies uncertainty factor was not applicable. An intraspecies uncertainty factor of 3 was applied because the toxic effects (occasional eye irritation; strong odor) were less severe than those defined for the AEGL-2 tier. Therefore, a total uncertainty factor of 3 was applied. The AEGL-2 values are supported by the data from the NTP study in which mice exposed to 387 ppm for 4 hours exhibited dyspnea. Although a NOEL was not established for dyspnea at this concentration, no other effects were noted. In addition, when compared to other studies investigating propylene oxide toxicity in mice, the NTP study reported toxic effects occurring at much lower concentrations than those observed in other studies. Following application of a total uncertainty factor of 3 (interspecies uncertainty factor of 1 because mice were the most sensitive laboratory species tested, and available data indicate that mice are equally or slightly more sensitive than humans; an intraspecies uncertainty factor of 3 because the toxic effect was less severe than that defined for the AEGL-2 tier), one obtains AEGL-2 values approximately 1.4-fold greater than those generated using the human data.

The highest nonlethal concentration in humans was chosen for the AEGL-3 derivation (CMA, 1998). A worker exposed to 1,520 ppm propylene oxide for 171 minutes did not experience mortality; in fact, exposure to this concentration did not cause the worker to cease working. The notation was made by the industrial hygienist that ''the odor was quite strong during the sampling; however, the irritation was not intolerable.'' In deriving AEGL-3 levels, an interspecies uncertainty factor is not needed. An intraspecies uncertainty factor of 3 was applied because the toxic effects (strong odor) were less severe than those defined for the AEGL-3 tier. A modifying factor of 2 was applied to account for the sparse data set (one sample measurement from one worker; old survey from 1968). That these values should be protective of human health is supported by the mouse data. The highest nonlethal concentration in mice was 859 ppm for 4 hours (NTP, 1985). Following application of a total uncertainty factor of 3 (an interspecies uncertainty factor of 1 because mice were the most sensitive laboratory species tested, and available data indicate that mice are equally or slightly more sensitive than humans; an intraspecies uncertainty factor of 3 because the mechanism of toxicity is not expected to differ greatly between individuals), one obtains AEGL-3 values approximately 1.4-fold greater than those generated using the human data.

The experimentally derived exposure values were then scaled to AEGL time frames using the concentration-time relationship given by the equation $C^n \times t = k$, where c = concentration, t = time, k is a constant, and n generally ranges from 1 to 3.5 (ten Berge, 1986). Data appropriate for the derivation of n were extremely limited. Because of the lack of data for empirical derivation of n for propylene oxide, and based on the

similar mechanism of action of propylene oxide as compared to ethylene oxide, the derived value of n for ethylene oxide will be used in the scaling of propylene oxide AEGL values across time. The value of n = 1.2 for ethylene oxide was derived empirically from 1- and 4-hour LC_{50} values for rats. An n value of approximately 1 is further supported by propylene oxide guinea pig data that also suggest a linear relationship. The 10-minute AEGL-1 value was set equal to the 30-minute AEGL value because the NAC considers it inappropriate to extrapolate from the exposure duration of 8 hours to 10 minutes.

A carcinogenic risk assessment of propylene oxide resulted in values that exceed the values based on acute toxicity. Therefore, they are not proposed for AEGL-3. Additionally, while long-term inhalation exposure studies have demonstrated that propylene oxide is carcinogenic in mice and rats, no tumors were observed when 12-week-old male Sprague-Dawley rats were exposed to 433 or 864 ppm propylene oxide for 30 days or 1,724 ppm for 8 days (exposures were for 6 hours/day, 5 days/week) and allowed to die naturally (Sellakumar et al., 1987). This shorter-term exposure suggests a lack of carcinogenic effect following acute exposures.

The calculated values are listed in Table 3 below:

TABLE 3.—SUMMARY OF PROPOSED AEGL VALUES FOR PROPYLENE OXIDE [PPM (MG/M^3)]

Classification	10-minutes	30-minutes	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	110 (260)	110 (260)	60 (140)	19 (45)	11 (26)	8-hour TWA of 31.8 ppm resulted in no worker complaints (CMA, 1998)
AEGL-2 (Disabling)	1,300 (3,100)	510 (1,200)	290 (690)	91 (220)	51 (120)	Humans: Strong odor and irritation noted in monitoring study; average of AEGL-2 values using 4 exposure concentrations and durations: 380 ppm for 177 minutes, 525 ppm for 121 minutes, 392 ppm for 135 minutes, 460 ppm for 116 minutes (CMA, 1998)
AEGL-3 (Lethal)	2,700 (6,400)	1,100 (2,600)	610 (1,400)	190 (450)	110 (260)	Humans: Highest recorded nonlethal concentration of 1,520 ppm for 171 minutes (CMA, 1998)

ii. *References*. a. CMA. 1998. Chemical Manufacturers Association to National Advisory Committee, (NAC)/AEGLs, Human Experience with Propylene Oxide. Dated: October 16, 1998.

b. NTP. 1985. Toxicology and Carcinogenesis Studies of Propylene Oxide (CAS No. 75–56–9) in F344/N Rats and B6C3F$_1$ Mice (Inhalation Studies). NTP TR 267, National Institutes of Health (NIH) Publication No. 85–2527, U.S. Department of Health and Human Services, Research Triangle Park, NC.

c. Sellakumar, A.R.; Snyder, C.A.; and Albert, R.E. 1987. Inhalation carcinogenesis of various alkylating agents. *Journal of the National Cancer Institute*. 79:285–289.

d. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

3. *Boron trifluoride-dimethyl ether*—i. *Description*. Boron trifluoride-dimethyl ether (CAS No. 7637–07–2) is one of several different complexes that can be formed with boron trifluoride. The complexes are generally formed for ease of handling boron trifluoride. The ether complexes consist of a 1:1 molar ratio of boron trifluoride and the dimethyl or diethyl ether and can dissociate under the proper temperature and pressure conditions. A single study was found that addressed the toxicity of boron trifluoride-dimethyl ether, but it reported only nominal concentrations. Because the complex can dissociate to form boron trifluoride, the AEGL derivations are based upon this one chemical species alone.

Boron trifluoride is a colorless gas with an odor that has been described both as pungent and suffocating or as pleasant. Although the gas is stable in dry air, it immediately forms a dense white mist or cloud when exposed to moist air. It has been reported that upon exposure to even low levels of moisture in the air, boron trifluoride reacts to form the dihydrate, BF3 $2H_2O$. It has been demonstrated that boron trifluoride dihydrate is strongly corrosive to the eyes and skin of rabbits. Boron trifluoride is an excellent catalyst, and has fire retardant and antioxidant properties, nuclear applications, and insecticidal properties.

No definitive data were available addressing the toxicity of boron trifluoride in humans. A statement was made in one study that a worker could detect the odor of boron trifluoride at a concentration of 1.5 ppm (4.1 mg/m^3) (Torkelson et al., 1961). Acute toxicity data were available in dogs, rats, mice, and guinea pigs, but exposure concentrations were generally expressed only in terms of nominal concentrations. Studies which actually measured the exposure concentrations and compared them to nominal concentrations found actual concentrations ranged from 25–56% of nominal (Rusch et al., 1986; Torkelson et al., 1961). Studies identifying endpoints other than those of mortality were limited. No data were available to evaluate the potential for boron trifluoride to cause developmental/reproductive toxicity or carcinogenicity in animals. Boron trifluoride was not mutagenic to several strains of *Salmonella typhimurium*.

The AEGL-1 derivation is based upon lacrimation noted in some rats starting at week 2 of exposure to 6 mg/m^3 boron trifluoride for 6 hours/day, 5 days/week for 13 weeks (exposures were to liquid aerosols of boron trifluoride dihydrate; concentrations reported are based on boron trifluoride) (Rusch et al., 1986; Hoffman and Rusch, 1982). This essentially represents a no-effect level for irritation for an acute exposure. Lacrimation was also reported in some rats exposed to 2 mg/m^3 for 6 hours/day, 5 days/week for 13 weeks, but the observation did not occur until week 10, which is even less relevant to an acute exposure scenario. A total uncertainty factor of 10 was applied. Because the AEGL-1 is based upon essentially a no-effect level for an acute exposure

scenario, an interspecies uncertainty factor of 3 was applied. An intraspecies uncertainty factor of 3 was applied based upon the following reasoning. At higher exposure levels boron trifluoride is an irritant, while at lower levels of exposure it is a renal toxicant. In both cases, the dose response curve is very steep. An example of the steepness of the dose-response curve is seen in the Rusch et al. (1986) study, in which all animals died from renal toxicity as a result of five, 6-hour exposures at 180 mg/m^3, while none even showed signs of renal effects following 10 exposures at 66mg/m^3. Also, none of the animals that died from the exposures at 180 mg/m^3 showed signs of pulmonary irritation even though this exposure was only 16th of the LC_{50} and was for a longer daily duration of 6 hours compared to 4 hours. For these reasons, it was judged that an intra-species uncertainty factor of 3 would protect even the sensitive members of the exposed population. The derived value was set equal to all AEGL time points because the endpoint is a no-effect level for an irritant.

The key study chosen for derivation of the AEGL-2 is the Rusch et al. (1986) study in which five male and five female rats were exposed to 180 mg/m^3 of boron trifluoride for 6 hours/day for 5 days (exposures were to liquid aerosols of boron trifluoride dihydrate; concentrations reported are based on boron trifluoride). Although all rats died from renal toxicity at the end of 5 days of exposure, the only signs observed after 1 day of exposure were those of irritation. It is possible that there may have been some renal toxicity as a consequence of the first day of exposure. The AEGL-2 value was developed by dividing the 180 mg/m^3 exposure level by 2 as a modifying factor since no pathology was conducted after the first exposure; therefore, renal effects could not be characterized or quantified. The resulting value of 90 mg/m^3 is divided by a total uncertainty factor of 10:3 for intraspecies and 3 for interspecies. This provides a starting value of 9 mg/m^3 for a 6-hour exposure. An interspecies uncertainty factor of 3 was used because no effects were seen in rats exposed to 66 mg/m^3 for 6 hours/day for 10 days (Rusch et al., 1986); 1 dog exposed to boron trifluoride at 1,380–2,760 mg/m^3 for 2 hours exhibited only breathing sounds and on necropsy visible signs of irritation to the respiratory tract (DuPont Company, 1948); another group of 2 rats, exposed to 2,760 mg/m^3 for 1 hour exhibited similar necropsy signs (DuPont Company, 1948); and while 1/10 mice died when exposed to 2,100 mg/m^3 for 5.5 hours, none died or even lost body weight when exposed to 350 mg/m^3 for 5.5 hours (Stokinger and Spiegl, 1953). An intraspecies uncertainty factor of 3 was chosen based on the same reasoning provided for the AEGL-1: The dose-response curve was steep for boron trifluoride's actions as both an irritant and renal toxicant. The AEGL-2 starting value of 9 mg/m^3 is in between the 6 hours/day, 5 days/week, 13-week exposure to 17 mg/m^3, which resulted in irritation in rats and renal toxicity in 2/40 rats (one of the rats died of renal toxicity at week 12), and the 6 hours/day, 5 days/week, 13-week exposure to 6 mg/m^3 which resulted only in minimal irritation (lacrimation starting at week 2) (Rusch et al., 1986; Hoffman and Rusch, 1982).

The AEGL-3 derivation is based upon a 4-hour LC_{01} value of 736 mg/m^3 calculated using rat mortality data from Rusch et al. (1986) (exposures were to liquid aerosols of boron trifluoride dihydrate; concentrations reported are based on boron trifluoride). Although other LC_{50} values were available (1-hour LC_{50}s of 1,000 and 1,100 mg/m^3 in rats [Vernot et al, 1977]; 2-hour LC_{50} of 3,460 mg/m^3 in mice [Kasparova and Kirii, 1972], and 4-hour LC_{50} of 109 mg/m^3 in guinea pigs [Stokinger and Spiegl, 1953]), the Rusch et al. (1986) rat study was chosen for the AEGL-3 derivation because it was the best characterized study and the actual exposure concentrations of boron trifluoride were measured. An interspecies uncertainty factor of 10 was applied because the LC_{50} values indicated variability among species in their sensitivity to boron trifluoride. An intraspecies uncertainty factor of 3 was chosen based on the same reasoning provided for the AEGL-1 and AEGL-2: The dose-response curve was steep for boron trifluoride's actions as both an irritant and renal toxicant.

Experimentally derived exposure values are scaled to AEGL time frames using the concentration-time relationship given by the equation $C^n \times t = k$, where C = concentration, t = time, k is a constant, and n generally ranges from 1 to 3.5 (ten Berge, 1986). The value of n could not be empirically derived due to the inadequate data. Therefore, the default value of n = 1 was used for extrapolating from shorter to longer exposure periods and a value of n = 3 was used to extrapolate from longer to shorter exposure periods for the AEGL-2 and AEGL-3. The 10-minute value was set equal to the 30-minute value for the AEGL-2 and AEGL-3 because it is not considered appropriate to extrapolate from a 6-hour or 4-hour exposure duration, respectively, to a 10-minute exposure duration.

The calculated values are listed in Table 4 below:

AEGL values are given in terms of mg/m^3 because exposures were to liquid aerosols of boron trifluoride dihydrate and boron trifluoride gas becomes an aerosol upon contact with moisture in the air.

TABLE 4.—SUMMARY OF PROPOSED AEGL VALUES FOR BORON TRIFLUORIDE (MG/M^3)

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	0.60 mg/m^3	0.60 mg/m^3	0.60 mg/m^3	0.60 mg/m^3	0.60 mg/m^3	Value representing a no-effect level for irritancy following an acute exposure; exposures were to 6 mg/m^3 for 6 hour/day, 5 day/week, for 13 week (Rusch et al., 1986; Hoffman and Rusch, 1982a)
AEGL-2 (Disabling)	21 mg/m^3	21 mg/m^3	16 mg/m^3	10 mg/m^3	6.8 mg/m^3	Signs of irritation and renal toxicity (resulting in death) following exposure to 180 mg/m^3 for 6 hour/day for 5 days (Rusch et al., 1986; Hoffman and Rusch, 1982b)

TABLE 4.—SUMMARY OF PROPOSED AEGL VALUES FOR BORON TRIFLUORIDE (MG/M^3)—Continued

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-3 (Lethal)	49 mg/m^3	49 mg/m^3	39 mg/m^3	25 mg/m^3	12 mg/m^3	Calculated 4-hour LC_{01} in male and female rats of 736 mg/m^3; based upon analytical concentrations (Rusch et al., 1986; Hoffman, 1981)

ii. *References*. a. DuPont Company. 1948. Toxicity of boron trifluoride (BF_3). Unpublished Haskell Laboratory Report No. 13–48. April 15, 1948. E.I. duPont de Nemours & Co., Newark, DE 19714.

b. Hoffman, G.M. and Rusch, G.M. 1982a. A 13-week inhalation toxicity study of boron trifluoride dihydrate in the rat. Unpublished Report No. MA-40-80-7. September 28, 1983. Allied Corporation, Department of Toxicology, Morristown, NJ 07960.

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e. Stokinger, H.E. and Spiegl, C.J. 1953. Part A. Inhalation-toxicity studies of boron halide and certain fluorinated hydrocarbons. Voegtlin, C. and Hodge, H.C. (eds). *Pharmacology and Toxicology of Uranium Compounds*. New York: McGraw-Hill Book Co., Inc. pp. 2291–2311.

f. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

g. Torkelson, T.R., Sadek, S.E., and Rowe, V.K. 1961. The toxicity of boron trifluoride when inhaled by laboratory animals. *American Industrial Hygiene Association Journal*. 22: 263–270.

h. Vernot, E.H.; MacEwen, J.D.; Haun, C.C.; and Kinkead, E.R. 1977. Acute toxicity and skin corrosion data for some organic and inorganic compounds and aqueous solutions. *Toxicology and Applied Pharmacology*. 42:417–423.

4. *Chlorine*—i. *Description*. Chlorine (CAS No. 7782–50–5) is a greenish-yellow, highly reactive halogen gas with a pungent, suffocating odor. The vapor is heavier than air and will form a cloud in the vicinity of a spill. Like other halogens, chlorine does not occur in the elemental state in nature; it rapidly combines with both inorganic and organic substances. Chlorine is used in the manufacture of a wide variety of chemicals, as a bleaching agent in industry and household products, and as a biocide in water and waste treatment plants.

Chlorine is an irritant to the eyes and respiratory tract; reaction with moist surfaces produces hydrochloric and hypochlorous acids. Its irritant properties have been studied in human volunteers and its acute inhalation toxicity has been studied in several laboratory animal species. The data from the human and laboratory animal studies were sufficient for development of three AEGLs for 5-time periods (i.e., 10 and 30 minutes and 1, 4, and 8 hours). Regression analysis of human data on nuisance irritation responses (itching or burning of the eyes, nose, or throat) for exposure durations of 30–120 minutes and during exposures to 0–2 ppm of chlorine determined that the relationship between concentration and time is approximately $C^2 \times t = k$ (ten Berge and Vis van Heemst, 1983).

The AEGL-1 was based on the observation that exposure of adult human volunteers, including an atopic individual with allergic rhinitis, to 0.5 ppm for 4 hours produced no sensory irritation but did result in transient changes in some pulmonary function parameters for the atopic individual (Rotman et al., 1983). Because both sexes were tested, subjects were undergoing light exercise during exposures on a treadmill or step test that increased the heart rate to 100 beats/minute, making them more vulnerable to sensory irritation, and an exercising susceptible individual did not exhibit adverse effects, no uncertainty factor to account for differences in human sensitivity was applied. The intraspecies uncertainty factor of 1 is supported by another study in which a concentration of 0.4 ppm for 1 hour was a no-effect concentration for changes in pulmonary function parameters in individuals with airway hyperreactivity/asthma (D'Alessandro et al., 1996). Chlorine is a highly irritating and corrosive gas that reacts directly with the tissues of the respiratory tract with no pharmacokinetic component involved in toxicity; therefore, effects are not expected to vary greatly among other susceptible populations. Because the 0.5 ppm concentration appeared to be a threshold concentration for more severe effects in susceptible individuals, regardless of the exposure duration, the 0.5 ppm concentration was applied across all AEGL-1 exposure durations. The 0.5 ppm concentration was considered appropriate for the 8-hour AEGL-1 because effects were not increased in the susceptible individual following a second 4-hour exposure on the same day.

The AEGL-2 values were based on the same study in which healthy human subjects experienced some sensory irritation and transient changes in pulmonary function measurements and a susceptible individual experienced an asthmatic-like attack (shortness of breath and wheezing) at a concentration of 1 ppm after 4 hours of exposure (Rotman et al., 1983). The susceptible individual remained in the exposure chamber for the full 4 hours before the symptoms occurred. Because both sexes were tested, subjects were undergoing light exercise during the exposures, making them more vulnerable to sensory irritation, and an exercising susceptible individual exhibited effects consistent with the definition of the AEGL-2, no uncertainty factor to account for differences in human sensitivity was applied. The intraspecies uncertainty factor of 1 is supported by another study in which a concentration of 1.0 ppm for 1 hour resulted in significant changes in pulmonary function parameters for all five tested individuals who had a history of airway hyperreactivity/asthma; two of the five subjects experienced undefined respiratory symptoms following exposure (D'Alessandro et al., 1996). Chlorine is a highly irritating and corrosive gas that reacts directly with the tissues of the respiratory tract with no pharmacokinetic component involved in toxicity; therefore, effects are not expected to vary greatly among other susceptible populations. Time-scaling was considered appropriate for the AEGL-2 as the AEGL-2 is defined as the threshold for irreversible effects which in the case of irritants generally involves tissue damage. Although the endpoint used in this case, wheezing and a significant increase in airways resistance, may be below the AEGL-2

definition, it is assumed that some biomarkers of tissue irritation would be present in the airways and lungs. The 4-hour 1 ppm concentration was scaled to the other time periods using the $C^2 \times t = k$ relationship. The scaling factor was based on regression analyses of concentrations and exposure durations that attained nuisance levels of irritation in human subjects. The 10-minute value was set equal to the 30-minute value in order to not exceed the highest exposure of 4.0 ppm in controlled human studies.

In the absence of human data, the AEGL-3 values were based on animal lethality data. The mouse was not chosen as an appropriate model for lethality because mice often showed delayed deaths which several authors attributed to bronchopneumonia. Because the mouse was shown to be more sensitive than other mammals (dog and rat) to irritant gases including chlorine and does not provide an appropriate basis for quantitatively predicting mortality in humans, a value below that resulting in no deaths in the rat (213 and 322 ppm in two studies) and above that resulting in no deaths in the mouse (150 ppm) for a period of 1 hour was chosen (MacEwen and Vernot, 1972; Zwart and Woutersen, 1988). The AEGL-3 values were derived from a 1-hour concentration of 200 ppm. This value was divided by a total uncertainty factor of 10:3 to extrapolate from rats to humans (interspecies values for the same endpoint differed by a factor of approximately 2 within each of several studies), and by an uncertainty factor of 3 to account for differences in human sensitivity. The susceptibility of asthmatics relative to healthy subjects when considering lethality is unknown, but the data from two studies with human subjects showed that doubling a no-effect concentration for irritation and bronchial constriction resulted in potentially serious effects in the asthmatics but not in the normal individuals. Time-scaling was considered appropriate for the AEGL-3 because tissue damage is involved (data in animal studies clearly indicate that time-scaling is appropriate when lung damage is involved). The AEGL-3 values for the other exposure times were calculated based on the $C^2 \times t = k$ relationship which was derived based on the endpoint of irritation from a study with humans.

The calculated values are listed in Table 5 below:

TABLE 5.—SUMMARY OF PROPOSED AEGL VALUES FOR CHLORINE [PPM (MG/M^3)]

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1[a] (Nondisabling)	0.50 (1.5)	0.50 (1.5)	0.50 (1.5)	0.50 (1.5)	0.50[b] (1.5)	No to slight changes in pulmonary function parameters in humans (Rotman et al., 1983; D'Alessandro et al., 1996)
AEGL-2 (Disabling)	2.8 (8.1)	2.8 (8.1)	2.0 (5.8)	1.0 (2.9)	0.70 (2.0)	Asthmatic-like attack in human subjects (Rotman et al., 1983; D'Alessandro et al., 1996)
AEGL-3 (Lethal)	50 (145)	28 (81)	20 (58)	10 (29)	7.1 (21)	Lethality—rat (MacEwen and Vernot, 1972; Zwart and Woutersen, 1988)

[a] The distinctive, pungent odor of chlorine will be noticeable to most individuals at these concentrations.
[b] Because effects were not increased following an interrupted 8-hour exposure of anatopic individual to 0.5 ppm, the 8-hour AEGL-1 was set equal to 0.5 ppm.

ii. *References*. a. D'Alessandro, A.; Kuschner, W.; Wong, H.; Boushey, H.A.; and Blanc, P.D. 1996. Exaggerated responses to chlorine inhalation among persons with nonspecific airway hyperreactivity. *Chest*. 109:331–337.

b. MacEwen, J.D. and Vernot, E.H. 1972. Toxic Hazards Research Unit Annual Technical Report. 1972. AMRL-TR-72-62, Aerospace Medical Research Laboratory, Wright-Patterson Air Force Base, OH. National Technical Information Service, Springfield, VA.

c. Rotman, H.H.; Fliegelman, M.J.; Moore, T.; Smith, R.G.; Anglen, D.M.; Kowalski, C.J.; and Weg, J.G. 1983. Effects of low concentration of chlorine on pulmonary function in humans. *Journal of Applied Physiology*. 54:1120–1124.

d. ten Berge, W.F. and Vis van Heemst, M. 1983. Validity and accuracy of a commonly used toxicity-assessment model in risk analysis. IChemE Symposium Series No. 80:17–21.

e. Zwart, A. and Woutersen, R.A. 1988. Acute inhalation toxicity of chlorine in rats and mice: time-concentration-mortality relationships and effects on respiration. *Journal of Hazardous Materials*. 19:195–208.

5. *Uranium hexafluoride*—i. *Description.* Uranium hexafluoride (CAS No. 7783–81–5) is a volatile solid. It is one of the most highly soluble industrial uranium compounds and, when airborne, hydrolyzes rapidly on contact with moisture to form hydrofluoric acid (HF) and uranyl fluoride (UO_2F_2) as follows:

$$UF_6 + 2H_2O \rightarrow UO_2F_2 + 4HF$$

Thus, an inhalation exposure to uranium hexafluoride is actually an inhalation exposure to a mixture of both fluorides. Pulmonary irritation, corrosion, or edema may occur from the hydrofluoric acid component and/or renal injury may be observed from the uranium component. As concentration is decreased and duration is increased, the effects of hydrogen fluoride are reduced, and the effects of the uranium component may be increased (Spiegel, 1949).

In the absence of relevant chemical-specific data for derivation of AEGL-1 values for uranium hexafluoride, a modification of the AEGL-1 values for hydrogen fluoride was used to derive AEGL-1 values for uranium hexafluoride. The use of hydrogen fluoride as a surrogate for uranium hexafluoride was deemed appropriate since it is likely that it is the hydrolysis product, HF, that is responsible for adverse effects. The hydrogen fluoride AEGL-1 values were based on the threshold for pulmonary inflammation in healthy human adults (Lund et al., 1999). Since a maximum of four moles of hydrogen fluoride are produced for every mole of uranium hexafluoride hydrolyzed, a stoichiometric adjustment factor of 4 was applied to the hydrogen fluoride AEGL-1 values to approximate AEGL-1 values for uranium hexafluoride. AEGL-1 values were derived only for the 10-minute, 30-minute, and 1-hour time points since it is likely that renal toxicity may be more relevant at the longer time points and no data exist for renal toxicity consistent with the definition of AEGL-1.

The AEGL-2 was based on renal pathology in dogs exposed to 192 mg/m^3 UF_6 for 30 minutes (Morrow et al., 1982). An uncertainty factor of 3 was used to extrapolate from animals to humans, and an uncertainty factor of 3 was also applied to account for sensitive individuals (total uncertainty factor = 10). This total uncertainty factor is considered sufficient since the observed renal pathology is generally considered reversible and thus this effect may be below the definition of AEGL-2. Furthermore, the use of a larger total uncertainty factor would yield AEGL-2 values below or approaching the AEGL-1 values. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by C^n x t = k, where the exponent, n, ranges from 0.8 to 3.5 (ten Berge et al., 1986). To obtain conservative and protective AEGL values in the absence of an empirically derived chemical-specific scaling exponent, temporal scaling was performed using n = 3 when extrapolating to shorter time points and n = 1 when extrapolating to longer time points using the C^n x t = k equation. (Although a chemical-specific exponent of 0.66 was derived from rat lethality data in which the endpoint was pulmonary edema, the default values were utilized for time-scaling AEGL-2 values since the endpoints for AEGL-2 (renal toxicity) and death (pulmonary edema) involve different mechanisms of action).

The AEGL-3 was based on an estimated 1-hour threshold for death in rats ($_{13}$ LC_{50} of 365 mg/m^3) (Leach et al, 1984). This approach is considered appropriate due to the steepness of the concentration-response curve for lethality in rats after exposure to UF_6. An uncertainty factor of 3 was used to extrapolate from animals to humans; the interspecies uncertainty factor of 3 is considered sufficient since the cause of death (pulmonary edema) is due to the hydrogen fluoride hydrolysis product, and lethality studies of hydrogen fluoride suggest that the rat was approximately 3-times less sensitive than the most sensitive (hypersusceptible) species (mouse) (EPA, 2001). An uncertainty factor of 3 was also applied to account for sensitive individuals since death is due to severe tissue damage resulting in pulmonary edema from the HF hydrolysis product (total uncertainty factor = 10). Furthermore, the total uncertainty factor of 10 is considered sufficient in light of the steep concentration-response curve. The value was then scaled to the 10-minute, 30-minute, 4-hour, and 8-hour time points, using $C^{0.66}$ x t = k. The exponent of 0.66 was derived from rat lethality data ranging from 2 minutes to 1 hour exposure duration in the key study.

The calculated values are listed in Table 6 below:

TABLE 6.—SUMMARY OF PROPOSED AEGL VALUES FOR URANIUM HEXAFLUORIDE (MG/M^3)

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	3.6 mg/m^3	3.6 mg/m^3	3.6 mg/m^3	NR	NR	Modification of hydrogen fluoride AEGL-1 values (EPA, 2001)
AEGL-2 (Disabling)	28 mg/m^3	19 mg/m^3	9.6 mg/m^3	2.4 mg/m^3	1.2 mg/m^3	Renal tubular pathology in dogs (Morrow et al., 1982)
AEGL-3 (Lethality)	550 mg/m^3	100 mg/m^3	36 mg/m^3	4.4 mg/m^3	1.6 mg/m^3	Estimated 1-hour NOEL for death in the rat (Leach et al., 1984)

ii. *References*. a. Leach, L.J.; Gelein, R.M.; Panner, B.J.; Yulie, C.L.; Cox, C. C.; Balys, M.M.; and Rolchigo, P.M. 1984. Acute Toxicity of the Hydrolysis Products of Uranium Hexafluoride (UF_6) when Inhaled by the Rat and Guinea Pig. Final Report. (K/SUB/81-9039/3). University of Rochester Medical Center, Rochester, NY.

b. Lund, K.; Refsnes, M.; Sandstrom, T.; Sostrand, P.; Schwarze, P.; Boe, J.; and Kongerud, J. 1999. Increased CD3 positive cells in bronchoalveolar lavage fluid after hydrogen fluoride inhalation. *Scandinavian Journal of Work, Environment, and Health*. 25:326–334.

c. Morrow, P.; Gelein, R.; Beiter, H.; Scott, J.; Picano, J.; and Yulie, C. 1982. Inhalation and intravenous studies of UF_6 and UO_2F_2 in dogs. *Health Physics*. 43:859–873.

d. Spiegel, C.J. 1949. Uranium Hexafluoride. *Pharmacology and Toxicology of Uranium Compounds*. New York: McGraw-Hill Book Company, Inc. pp. 532–548

e. ten Berge, W.F.; Zwart, A.; and Appelman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. 13:301–309.

f. EPA. 2001. Acute exposure guideline levels for hydrogen fluoride. (Interim Draft 2:7/2001).

6. *Chlorine dioxide*—i. *Description*. Chlorine dioxide (CAS No. 10049–04–4) is a yellow to reddish-yellow gas at room temperature. It has an unpleasant odor, similar to the odor of chlorine and reminiscent of nitric acid. It is a respiratory irritant. Pure chlorine dioxide is stable in the dark and unstable in light. Chlorine dioxide dissociates in water into chlorite and chloride, and to a lesser extent into chlorate. The major use of chloride dioxide is that of a drinking water disinfectant. Other uses include the bleaching of textiles, paper pulp, flour, cellulose, leather, fats, oils, and beeswax; taste and odor control of water; an oxidizing agent; and the manufacture of chlorite salts. The acute inhalation data base for chlorine dioxide is quite sparse for both human and animal exposures.

The AEGL-1 was based on slight salivation, slight lacrimation, and slight red-ocular discharge in rats exposed to 3 ppm chlorine dioxide for 6 hours (DuPont, 1955). A total combined uncertainty factor of 10 was applied to account for interspecies and intraspecies variability, and a modifying factor of two was applied to account for the sparse data base and the resulting uncertainty about the most sensitive species. Thus, the total uncertainty/modifying factor is 20. Chlorine dioxide is a highly reactive chemical. The clinical signs of minor irritation are likely caused by a direct chemical effect on external tissue. This minor irritation is not likely to vary greatly among species or among individuals. The AEGL-1 value was held constant across all time points since minor irritation is not likely to be time dependent.

The AEGL-2 was based on lacrimation, salivation, dyspnea, weakness, and pallor in rats exposed to

12 ppm chlorine dioxide for 6 hours (DuPont, 1955). A total combined uncertainty factor of 10 was applied to account for interspecies and intraspecies variability, and a modifying factor of 2 was applied to account for the sparse data base and the resulting uncertainty about the most sensitive species. Thus, the total uncertainty/modifying factor is 20. This total adjustment factor of 20 is reasonable since the derived 4 hour AEGL-2 value is 0.69 ppm yet rats repeatedly exposed to 3 ppm chlorine dioxide (Dupont, 1955), 6 hours/day for 10 days showed only minor irritation (slight salivation, slight lacrimation, and slight red-ocular discharge on the first day of the study). Even allowing for differences in response between species and individuals, this comparison indicates that the derived AEGL-2 values are reasonable and the threshold for disabling susceptible humans should be above this level. The use of a higher combined uncertainty factor/modifying factor of 200 would give a 4 hour AEGL value of 0.069 ppm yet when rats were exposed to 0.1 ppm of chlorine dioxide for 5 hours/day for 10 weeks, no clinical signs were observed during treatment and at necropsy (Dalhamn, 1957). This comparison shows that a combined uncertainty/modifying factor of 200 is excessively large. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by C^n x t = k, where the exponent, n, ranges from 0.8 to 3.5 (ten Berge et al., 1986). To obtain conservative and protective AEGL values in the absence of an empirically derived chemical-specific scaling exponent, temporal scaling was performed using n = 3 when extrapolating to shorter time points (30-minutes, 1-hour, and 4-hours) and n = 1 (8-hours) when extrapolating to longer time points using the C^n x t = k equation. The 30-minute AEGL-2 value was also adopted as the 10-minute AEGL-2 value due to the added uncertainty of extrapolating from a 6-hour time point to 10-minutes.

The AEGL-3 was based on a study showing no deaths in rats exposed to 26 ppm chlorine dioxide for 6 hours (DuPont, 1955). A total combined uncertainty factor of 10 was applied to account for interspecies and intraspecies variability, and a modifying factor of 2 was applied to account for the sparse data base and the resulting uncertainty about the most sensitive species. Thus, the total uncertainty/modifying factor is 20. The total factor of 20 is considered adequate. Using a larger combined uncertainty/modifying factor of 200 would give a 4 hour AEGL-3 value of 0.15 ppm. The value of 0.15 ppm is too low, because rats exposed to 0.1 ppm of chlorine dioxide for 5 hours/day for 10 weeks showed no clinical signs during treatment or at necropsy (Dalhamn, 1957). This comparison shows that a combined uncertainty/modifying factor of 200 is excessively large. The concentration-exposure time relationship for many irritant and systemically acting vapors and gases may be described by C^n x t = k, where the exponent, n, ranges from 0.8 to 3.5 (ten Berge et al., 1986). To obtain conservative and protective AEGL values in the absence of an empirically derived chemical-specific scaling exponent, temporal scaling was performed using n = 3 when extrapolating to shorter time points (30-minutes, 1-hour, and 4-hours) and n = 1 (8-hours) when extrapolating to longer time points using the C^n x t = k equation. The 30-minute AEGL-3 value was also adopted as the 10-minute AEGL-3 value due to the added uncertainty of extrapolating from a 6-hour time point to 10-minutes.

The calculated values are listed in Table 7 below:

TABLE 7.—SUMMARY OF PROPOSED AEGL VALUES FOR CHLORINE DIOXIDE [PPM (MG/M^3)]

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	0.15 (0.41)	0.15 (0.41)	0.15 (0.41)	0.15 (0.41)	0.15 (0.41)	Slight salivation, slight lacrimation, and slight red-ocular discharge in rats exposed to 3 ppm for 6 hours (DuPont, 1955)
AEGL-2 (Disabling)	1.4 (3.9)	1.4 (3.9)	1.1 (3.0)	0.69 (1.9)	0.45 (1.2)	Lacrimation, salivation, dyspnea, weakness, and pallor in rats exposed to 12 ppm for 6 hours (DuPont, 1955)
AEGL-3 (Lethal)	3.0 (8.3)	3.0 (8.3)	2.4 (6.6)	1.5 (4.1)	0.98 (2.7)	No lethality in rats exposed to 26 ppm for 6 hour (DuPont, 1955)

ii. *References*. a. Dalhamn, T. 1957. Chlorine Dioxide: Toxicity in animal experiments and industrial risks. *Archives of Industrial Health*. 15:101–107.

b. DuPont. 1955. Summary of Toxicological Evaluations of Chlorine Dioxide. Haskell Laboratory for Toxicology and Industrial Medicine. Haskell Lab Report No. 80-55. E.I. du Pont de Nemours and Company, Inc. Wilmington, DE.

c. ten Berge, W.F.; Zwart, A.; and Appleman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapors and gases. *Journal of Hazardous Materials*. 13:301–310.

7. and 8. *Methyl nonafluorobutyl ether and Methyl nonafluoroisobutyl ether*—i. *Description*. HFE-7100 is a mixture of methyl nonafluorobutyl (CAS No. 163702–07–6) and methyl nonafluoroisobutyl (CAS No. 163702–08–7) ethers in ratios of 30–50 and 50–70%, respectively. This mixture has been developed as a replacement for presently used chlorofluorocarbons and other ozone-depleting chemicals. It is used in industrial situations as a cleaning agent, lubricant carrier, drying agent, specialty solvent, and heat-transfer medium. It is a volatile liquid with a slight ethereal odor. No information on production was located.

Except for a single monitoring study conducted by 3M Company and reported by AIHA (1999) in which exposures were noted to be below 50 ppm, no information on human exposures was located. Animal data using the rat as the model addressed anesthetic properties, toxicity, neurotoxicity, and genotoxicity. A study with the beagle addressed cardiac

sensitization. HFE-7100 is practically nontoxic; it does not have anesthetic properties and is not a cardiac sensitizer. No information useful for time-scaling across the AEGL exposure durations was available.

The AEGL-1 value is based on a subchronic study with the rat (Coombs et al., 1996b). In this study, rats were exposed to concentrations up to 15,159 ppm for 6 hours/day, 5 days/week for 13 weeks. This concentration was not neurotoxic. Only reversible organ weight increases were observed and these were attributed to the repeated nature of the exposure. Because the concentration was basically a NOAEL, the exposures were repeated, and uptake is greater in the rodent than in primates, based on the higher respiratory rate and cardiac output of rodents compared with primates, an interspecies uncertainty factor of 1 was applied. Studies addressing neurotoxicity and cardiac sensitization and studies with pregnant rats failed to identify significant toxicological endpoints. Therefore, an intraspecies uncertainty factor of 3 was applied. Because human data are very limited and because some of the key studies used limited numbers of animals, a modifying factor of 2 was applied. The resultant value is 2,500 ppm. Time-scaling may not be relevant for anesthetics and halogenated hydrocarbons as blood concentrations of these chemicals rapidly reach equilibrium and do not greatly increase as exposure duration is increased. The presence of the perfluoro group of HFE-7100 limits its solubility in biological fluids. Furthermore, the repeated nature of the exposures of the key study support the use of the same value across all time points. Therefore, the 2,500 ppm concentration is applicable for all AEGL-1 time points.

The AEGL-2 value is based on a 10-minute cardiac sensitization test with beagles (Kenny et al., 1996) and is supported by a 4-week repeat exposure study with the rat (Coombs et al., 1996a). Six male beagles exposed to 48,900 ppm for 10 minutes and challenged with an adrenaline dose of 1–12 μg/kilogram (kg) (individualized for each dog) did not show cardiac sensitization. However, all of the beagles exhibited signs of restlessness, agitation, tremors, and muscle rigidity. These signs were described following the second challenge, but may have been present pre-challenge. All beagles recovered fully and were used for subsequent studies. The cardiac sensitization test is very conservative as the levels of adrenaline administered represent an approximate 10-fold excess over blood concentrations that would be achieved endogenously in dogs or humans, even in highly stressful situations. Because this is a conservative endpoint (the dogs exhibited clinical signs but fully recovered), the test addresses the stress that might be experienced in an escape situation, and the dog heart is considered an appropriate model for the human heart, an interspecies uncertainty factor of 1 was applied. Heart patients would not be at extra risk because HFE-7100 is not a cardiac sensitizer and studies with pregnant rats failed to identify significant toxicological endpoints. Therefore, an intraspecies uncertainty factor of 3 was applied to protect potentially susceptible individuals. Because human data are very limited and because some of the key studies used limited numbers of animals, a modifying factor of 2 was applied. The resulting value is 8,200 ppm. Time-scaling may not be relevant for anesthetics and halogenated hydrocarbons as blood concentrations of these chemicals rapidly reach equilibrium and do not greatly increase as exposure duration is increased. Furthermore the presence of the perfluoro group of HFE-7100 limits its solubility in biological fluids. Therefore, the 8,200 ppm concentration is applicable for all AEGL-2 time points. The values are supported by a study in which rats were exposed to concentrations up to 30,000 ppm for 6 hours/day, 5 days/week for 4 weeks. These rats exhibited reversible liver hypertrophy which is attributable to the repeated nature of the exposures (Coombs et al., 1996a). The repeated nature of this study supports using a single value across the AEGL-2 time points.

The AEGL-3 value is based on the same cardiac sensitization study with beagles (Kenny et al., 1996) and is supported by an acute inhalation study with the rat (3M Company, 1995). Prior to the second challenge dose of adrenaline during a cardiac sensitization test, one of two dogs exposed to 89,300 ppm for 10 minutes exhibited severe clinical signs including restlessness, cold extremities, limb rigidity, head and whole-body tremors, head shaking, arched back, agitation, and salivation. The second dog survived the second challenge dose of adrenaline but exhibited similar adverse clinical signs. The cardiac sensitization test is very conservative as the levels of adrenaline administered represent an approximate 10-fold excess over blood concentrations that would be achieved endogenously in dogs or humans, even in highly stressful situations. Because this is a conservative endpoint (the dogs exhibited clinical signs but fully recovered), the test addresses the stress that might be experienced in an escape situation, and the dog heart is considered an appropriate model for the human heart, an interspecies uncertainty factor of 1 was applied. Heart patients would not be at extra risk because HFE-7100 is not a cardiac sensitizer and studies with pregnant rats failed to identify significant toxicological endpoints. Therefore, an intraspecies uncertainty factor of 3 was applied to protect potentially susceptible individuals. Because human data are very limited and because some of the key studies used limited numbers of animals, a modifying factor of 2 was applied. Time-scaling may not be relevant for anesthetics and halogenated hydrocarbons as blood concentrations of these chemicals rapidly reach equilibrium and do not greatly increase as exposure duration is increased. Therefore, the resulting 15,000 ppm concentration is applicable for all AEGL-3 time points. The 89,300 ppm concentration may be a conservative estimate of the threshold for lethality as rats survived a 4-hour exposure to 100,000 ppm (3M Company, 1995).

The calculated values are listed in Table 8 below:

TABLE 8.—SUMMARY OF PROPOSED AEGL VALUES FOR HFE-7100 [PPM (MG/M^3]

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-1 (Nondisabling)	2,500 (25,550)	2,500 (25,550)	2,500 (25,550)	2,500 (25,550)	2,500 (25,550)	Reversible organ weight changes, repeated exposures, rat (Coombs et al., 1996b)

TABLE 8.—SUMMARY OF PROPOSED AEGL VALUES FOR HFE-7100 [PPM (MG/M^3]—Continued

Classification	10-minute	30-minute	1-hour	4-hour	8-hour	Endpoint (Reference)
AEGL-2 (Disabling)	8,200 (84,000)	8,200 (84,000)	8,200 (84,000)	8,200 (84,000)	8,200 (84,000)	Clinical signs, cardiac sensitization test, dog (Kenny et al., 1996)
AEGL-3 (Lethal)	15,000 (150,000)	15,000 (150,000)	15,000 (150,000)	15,000 (150,000)	15,000 (150,000)	Severe clinical signs, cardiac sensitization test, dog (Kenney et al., 1996)

ii. *References*. a. 3M Company. 1995. Acute inhalation toxicity for HFE-7100 in the rat. Memo, 3M Company, Toxicology Services. 3M Center, St. Paul, MN.

b. AIHA. 1999. Workplace Environmental Exposure Levels: HFE-7100. American Industrial Hygiene Association, Fairfax, VA.

c. Coombs, D.W.; Shepherd, C.K.; Bannerman, M.; Hardy, C.J.; Crook, D.; Hall, M.; Hughes, E.W.; and Gopinath, C. 1996a. T-6334: 28-Day repeat dose inhalation toxicity study in rats. MIN 181/952688. Huntingdon Life Sciences, Huntingdon, Cambridgeshire, England.

d. Coombs, D.W.; Shepherd, C.K.; Bannerman, M.; Hardy, C.J.; Crook, D.; Hall, M.; and Healey, G.F. 1996b. T-6334: 13-Week repeat dose inhalation toxicity study in rats. MIN 196/961181. Huntingdon Life Sciences, Huntingdon, Cambridgeshire, England.

e. Kenny, T.J.; Shepherd, C.K.; Bannerman, M.; Hardy, C.J.; and Gilkison, I.S. 1996. T-6334: Assessment of cardiac sensitization potential in dogs. MIN 182/953117. Huntingdon Life Sciences, Limited.

IV. Next Steps

The NAC/AEGL Committee plans to publish ''Proposed'' AEGL values for five-exposure periods for other chemicals on the priority list of 85 in groups of approximately 10 to 20 chemicals in future **Federal Register** notices during the calendar year 2002.

The NAC/AEGL Committee will review and consider all public comments received on this notice, with revisions to the ''Proposed'' AEGL values as appropriate. The resulting AEGL values will be established as ''Interim'' AEGLs and will be forwarded to the National Research Council, National Academy of Sciences (NRC/NAS), for review and comment. The ''Final'' AEGLs will be published under the auspices of the NRC/NAS following concurrence on the values and the scientific rationale used in their development.

List of Subjects

Environmental protection, Acute exposure guideline levels, Hazardous substances.

Dated: February 1, 2002.

Susan B. Hazen,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–3774 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7146–3]

42 U.S.C. 122(l), Proposed Administrative Agreement for Collection of CERCLA Response and Oversight Costs

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed CERCLA 122(h) Administrative Agreement.

SUMMARY: USEPA is proposing to execute an Administrative Agreement (Agreement) under Section 122 of CERCLA for collection of a percentage of response and oversight costs at the Chippewa Avenue Area Groundwater Contamination Superfund Site. The Respondent has agreed to pay $65,000 out of total unrecovered response and oversight costs of approximately $695,582,81, and in return will receive a covenant not to sue and contribution protection from USEPA. USEPA today is proposing to execute this Agreement because the settlement, in combination with $1,000,000 received for the Site pursuant to an April 15, 1993, settlement of a USEPA claim in the LTV Steel bankruptcy proceedings, achieves collection of approximately 63% of total Site costs.

DATES: Comments on this proposed settlement must be received on or before March 18, 2001.

ADDRESSES: Copies of the proposed settlement are available at the following address for review: (It is recommended that you telephone Fouad Dababneh at (312) 353–3944 before visiting the Region V Office). Fouad Dababneh, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, (SR–6J), Chicago, Illinois 60604–3590, (312) 353–3944.

Comments on this proposed settlement should be addressed to: (Please submit an original and three copies, if possible) Fouad Dababneh, U.S. Environmental Protection Agency, Region V, 77 W Jackson Boulevard, (SR–6J), Chicago, Illinois 60604–3590, (312) 353–3944.

FOR FURTHER INFORMATION CONTACT: Fouad Dababneh at (312) 353–3944.

SUPPLEMENTARY INFORMATION: The Chippewa Site is an approximately four square mile area centered on the intersection of Chippewa and Main streets in South Bend, Indiana. Located within the Chippewa Avenue Area Groundwater contamination Site are the Rum Village and South Well Field municipal drinking water supply wells. In 1997, the City of South Bend and the Indiana Department of Environmental Management (IDEM) requested EPA assistance in investigating dissolved solvents contamination in the South and Rum Village well fields. Accordingly, in response to the release or threatened release of hazardous substances at or from the Site, EPA undertook response actions at the Site pursuant to Section 104 of CERCLA, 42 U.S.C. 9604.

In October 1997, Region 5 initiated a groundwater investigation to identify the types and concentrations of groundwater contaminants in the vicinity of the South Well Field. Data from the groundwater investigation was intended to be used in the design of an interim treatment system for the South Well Field. In 1998, however, IDEM entered into an agreement with certain parties, including The Toro Corporation, for installation of an air stripper treatment system for the two well fields. The air stripper system has since been installed. As a result, Region 5 does not expect to incur additional costs for the Site.

As a part of an April 15, 1993, bankruptcy settlement with LTV Steel, AM General (a subsidiary of LTV Steel)

agreed to pay $1,000,000 into the Superfund in exchange for the United States' agreement not to object to AM General's liquidation plan on the basis that the plan failed to provide for remediation of the AM General facility in South Bend, Indiana. The AM General facility is within the Chippewa Avenue Area Groundwater Contamination Site and so EPA placed the LTV Steel bankruptcy funds into a special account for this site.

Total EPA costs through June 30, 2001 are $1,695,582.81. Of that amount, $1,000,000 has been offset against a special account for the Site leaving a balance of $695,582.81.

A 30-day period, beginning on the date of publication, is open pursuant to section 122(I) of CERCLA for comments on the proposed Administrative Agreement. Comments should be sent to Fouad Dababneh (SR–6J), U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, Illinois 60604–3590.

William E. Muno,

Director, Superfund Division.

[FR Doc. 02–3768 Filed 2–14–02; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

January 24, 2002.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's 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.

DATES: Written comments should be submitted on or before March 18, 2002. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *lesmith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0496.

Title: The ARMIS Operating Data Report.

Form Number: FCC Report 43–08.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 50.

Estimated Time per Response: 160 hours.

Frequency of Response: Recordkeeping; Annual reporting requirements.

Total Annual Burden: 8,000 hours.

Total Annual Costs: None.

Needs and Uses: Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220, (the ''Act''), allows the FCC, at its discretion, to prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, memoranda of the movement of traffic, and the receipts and expenditures of monies. The FCC may, under 47 section 219(b) of the Act, require carriers to file annual reports concerning any matters with respect to which the Commission is authorized or required by law to act. 47 CFR section 43.21 of the Commission's rules detail that requirement. ARMIS facilitates the timely and efficient analysis of revenue requirements, rates of return, and price caps; provides an improved basis for audits and other oversight functions; and enhances the FCC's ability to quantify the effects of alternative policies. The ARMIS 43–08 Report collects network operating data in a consistent, detailed format; monitors network growth, usage, and reliability; and thus enables the FCC to fulfill its regulatory responsibilities.

OMB Control Number: 3060–0763.

Title: The ARMIS Customer Satisfaction Report.

Form Number: FCC Report 43–06.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 8.

Estimated Time per Response: 720 hours.

Frequency of Response: Annual reporting requirements.

Total Annual Burden: 5,760 hours.

Total Annual Costs: None.

Needs and Uses: Section 220 of the Communications Act of 1934, as amended, 47 U.S.C. 220, allows the FCC, at its discretion, to prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, and memoranda of the movement of traffic, and the receipts and expenditures of monies. 47 U.S.C. 219(b) of the Act authorizes the FCC to require carriers subject to this Act to file annual reports concerning any matters with respect to which the FCC is authorized or required by law to act. 47 CFR section 43.21 of the Commission's rules detail that requirement. ARMIS facilitates the timely and efficient analysis of revenue requirements, rates of return, and price caps; provides an improved basis for audits and other oversight functions; and enhances the FCC's ability to quantify the effects of alternative policies. The Customer Satisfaction Report is compiled from surveys conducted by individual carriers on their customers. The ARMIS 43–06 Report enables the Commission to fulfill its regulatory responsibilities.

OMB Control Number: 3060–0800.

Title: FCC Wireless Telecommunications Bureau Application for Assignment of Authorization and Transfers of Control.

Form Number: FCC 603.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; Individuals or households; and State, local, or tribal government.

Number of Respondents: 32,151.

Estimated Time per Response: 0.5 to 1.75 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 36,171 hours.

Total Annual Costs: $7,073,395.

Needs and Uses: Applicants and/or licensees in the Public Mobile Services, Personal Communication Services, Private Land Mobile Services, Broadcast Auxiliary Services, Fixed Microwave

Services, Maritime Services (excluding ships), and Aviation Services (excluding aircraft) use FCC Form 603 to apply for approval of assignment or transfer of control of licenses in the Wireless Radio Services. Various technical schedules are required with Form 603 when applying for Auctioned Services, Partitioning and Disaggregation, Undefined Geographical Area Partitioning, and Notification of Consummation or Request for Extension of Time for Consummation. The FCC uses this form to obtain information necessary to identify the parties to a proposed assignment or transfer, to establish the parties' basic eligibility and qualifications, to classify the filing, and to determine the nature of the proposed service. This form is also used to notify the Commission of consummated assignments and transfers of wireless licenses to which the Commission has previously consented but for which notification but not prior consent is required. Form 603 will replace FCC Forms 490, 702, 703, 704, and 1046, which, following an initial transition period, will become obsolete.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 02–3695 Filed 2–14–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Network Reliability and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons of the first meeting of the Network Reliability and Interoperability Council (Council) under its charter renewed as of December 26, 2001. The meeting will be held at the Federal Communications Commission in Washington, DC.

DATES: Monday, March 22, 2002 at 10 a.m. to 1 p.m.

ADDRESSES: Federal Communications Commission, 445 12th St. SW, Room TW–C305, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp at 202–418–1096 or TTY 202–418–2989.

SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to bring together leaders of the telecommunications industry and telecommunications experts from academic, consumer and other organizations to explore and recommend measures that would enhance network reliability.

The Council will discuss the modifications that have been made to the Council's charter and how those modifications should be addressed, and any additional issues that may come before it. The amended charter is attached to this document.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. Admittance, however, will be limited to the seating available. The public may submit written comments before the meeting to Jeffery Goldthorp, the Commission's Designated Federal Officer for the Network Reliability and Interoperability Council, by email (*jgoldtho@FCC.GOV*) or U.S. mail (7–A325, 445 12th St. SW, Washington, DC 20554). Real Audio and streaming video Access to the meeting will be available at *http://www.fcc.gov/*

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Charter of the Network Reliability and Interoperability Council

A. The Committee's Official Designation

The official designation of the advisory committee will be the ''Network Reliability and Interoperability Council.''

B. The Committee's Objective and Scope of Its Activity

The purposes of the Committee are to give telecommunications industry leaders the opportunity to provide recommendations to the FCC and to the industry that, if implemented, would under all reasonably foreseeable circumstances assure optimal reliability and interoperability of wireless, wireline, satellite, and cable public telecommunications networks. This includes facilitating the reliability, robustness, security, and interoperability of public telecommunications networks. The scope encompasses recommendations that would ensure the security and sustainability of public telecommunications networks throughout the United States; ensure the availability of adequate public telecommunications capacity during events or periods of exceptional stress due to natural disaster, terrorist attacks or similar occurrences; and facilitating the rapid restoration of telecommunications services in the event of widespread or major disruptions in the provision of telecommunications services. The Committee will address topics in the following areas:

1. Homeland Security

(A) *Prevention.* The Committee will assess vulnerabilities in the public telecommunications networks and the Internet and determine how best to address those vulnerabilities to prevent disruptions that would otherwise result from terrorist activities, natural disasters, or similar types of occurrences.

(1) In this regard, the Committee will conduct a survey of current practices by wireless, wireline, satellite, and cable telecommunications services providers and Internet service providers that address the Homeland Defense concerns articulated above.

(2) By December 31, 2002 the Committee will issue a report identifying areas for attention and describing best practices, with checklists, that should be followed to prevent disruptions of public telecommunications services and the Internet from terrorist activities, natural disasters, or similar types of occurrences.

(B) *Restoration.* The Committee will report on current disaster recovery mechanisms, techniques, and best practices and develop any additional best practices, mechanisms, and techniques that are necessary, or desirable, to more effectively restore telecommunications services and Internet services disruptions arising from terrorist activities, natural disasters, or similar types of occurrences.

(1) The Committee will report on the viability of any past or present mutual aid agreements and develop, and report on, any additional perspectives that may be appropriate to facilitate effective telecommunications services restorations. The Committee will issue this report within six (6) months after its first meeting.

(2) The Committee will issue a report containing best practices recommendations, and recommended mechanisms and techniques (including checklists), for disaster recovery and service restoration. The Committee will issue this report within twelve (12) months of its first meeting.

(3) The Committee will prepare and institute mechanisms for maintaining and distributing contact information for telecommunications industry personnel who are, or may be, essential to effective telecommunications service and

Internet restoration efforts within six (6) months of the first meeting of the Committee.

(C) *Public Safety.* The Committee will explore and report on such actions as may be necessary or desirable to ensure that commercial telecommunications services networks (including wireless, wireline, satellite, and cable public telecommunications networks) can meet the special needs of public safety emergency communications, including means to prioritize, as appropriate, public safety usage of commercial services during emergencies.

2. Network Reliability

(A) The Committee will prepare and provide recommended requirements for network reliability and network reliability measurements for wireline, wireless, satellite, and cable public telecommunications networks, and for reliability measurements for the Internet, for reporting within twelve (12) months of the Committee's first meeting.

(B) The Committee will evaluate, and report on, the reliability of public telecommunications network services in the United States, including the reliability of router, packet, and circuit-switched networks.

(C) During the charter of a previous Committee, interested participants recommended that the FCC adopt a voluntary reporting program in conjunction with the National Communications System, to gather outage data for those telecommunications and information service providers not currently required to report outages to the Commission, and voluntary reporting was initiated. The Committee shall: (i) analyze the data obtained from the voluntary trial; and (ii) report on the efficacy of that process and the information obtained therefrom.

(D) Should the Commission initiate an inquiry or rulemaking with respect to any of the above-mentioned issues, the Committee will make formal recommendations as a part of such proceeding(s).

3. Network Interoperability

The Committee will prepare analyses and, where appropriate, make recommendations for improving interoperability among networks to achieve the objectives that are contained in Section 256 of the Telecommunications Act of 1996, with particular emphasis on ensuring ''the ability of users and information providers to seamlessly and transparently transmit and receive information between and across telecommunications networks.''

4. Broadband Deployment

The Committee will make recommendations concerning the need for technical standards to ensure the compatibility and deployment of broadband technologies and services, and will evaluate the need for improvements in the reliability of broadband technologies and services.

5. Other Topics

(A) The Committee will make recommendations with respect to such additional topics as the Commission may specify. These topics may include requests for recommendations and technical advice on interoperability issues that may arise from convergence and digital packet networks, and how the Commission may best fulfill its responsibilities, particularly with respect to national defense and safety of life and property (including law enforcement) under the Communications Act.

(B) The Committee will assemble data and other information, perform analyses, and provide recommendations and advice to the Federal Communications Commission and the telecommunications industry concerning the foregoing.

C. Period of Time Necessary for the Committee To Carry Out Its Purpose

The Committee will require two years to carry out the purposes for which it has created.

D. Official to Whom the Committee Reports

The Committee will report to the Chairman, Federal Communications Commission.

E. Agency Responsible for Providing Necessary Support

The Federal Communications Commission will provide the necessary support for the Committee, including the facilities needed for the conduct of the meetings of the committee. Private sector members of the committee will serve without any government compensation and will not be entitled to travel expenses or per diem or subsistence allowances.

F. Description of the Duties for Which the Committee Is Responsible

The duties of the Committee will be to gather the data and information necessary to prepare studies, reports, and recommendations for assuring optimal network reliability and restoration of damaged, or impaired, telecommunications services within the parameters set forth in Section B, above. The Committee will also monitor future developments to ensure that network interoperability and network reliability are not at risk.

G. Estimated Annual Operating Costs in Dollars and Staff Years

Estimated staff years that will be expended by the Committee are three (3) for the FCC staff and 12 for private sector and other governmental representatives. The estimated annual cost to the FCC of operating the committee is $200,000.

H. Estimated Number and Frequency of Committee Meetings

The Committee will meet at least two times per year. Informal subcommittees may meet more frequently to facilitate the work of the Committee.

I. Committee's Termination Date

The Committee will terminate January 6, 2004.

J. Date Original Charter Filed

January 6, 1992.

[FR Doc. 02–3696 Filed 2–14–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 02–270]

Mass Media Bureau; Filing Window for Certain Pending Requests for New NTSC Television Stations on Channels 52–59

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces a filing window opportunity to allow applicants with certain pending requests for new analog (NTSC) television stations on channels 52–59 to modify their requests.

DATES: The filing window opened January 22, 2002 and closes March 8, 2002.

FOR FURTHER INFORMATION CONTACT: Shaun Maher of the Video Services Division, Mass Media Bureau at (202) 418–2324 or Gordon Godfrey of the Policy and Rules Division Mass Media Bureau at 418–2193.

SUPPLEMENTARY INFORMATION: Commencing January 22, 2002, and continuing to and including March 8, 2002, there will be a filing window for certain pending requests for new analog (NTSC) television stations on channels 52–59 to modify their requests. The purpose of this Public Notice is to set forth the filing procedures for this

window. This window is available for applicants having applications pending for new NTSC stations on channels 52–59. It is also available for these and other parties with pending applications for new NTSC stations on other channels that have previously filed petitions for rule making for a replacement channel on channels 52–59. These proposals can be modified in one of two ways: (1) To provide analog or digital television (DTV) service in the core television spectrum, *i.e.,* channels 2–51 or (2) to provide DTV service on any available channel in the 698–740 MHz band, *i.e.,* channels 52–58. For these applicants, as applicable, all application amendments, petitions for rule making and amendments to petitions for rule making seeking a new channel must be filed during this window. The Commission will thereafter dismiss all remaining applications for new NTSC stations on channels 52–59 and petitions from applicants that continue to request replacement NTSC allotments on channels 52–59.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 02–3724 Filed 2–14–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1402–DR]

Kansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA–1402–DR), dated February 6, 2002, and related determinations.

EFFECTIVE DATE: February 6, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 6, 2002, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Kansas, resulting from a severe winter ice storm on January 29, 2002, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance, including direct Federal assistance, in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Carlos Mitchell of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Kansas to have been affected adversely by this declared major disaster:

Allen, Anderson, Barber, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Comanche, Cowley, Crawford, Douglas, Elk, Franklin, Greenwood, Harper, Jefferson, Johnson, Kingman, Kiowa, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Pratt, Sedgwick, Shawnee, Sumner, Wilson, Woodson, and Wyandotte Counties for Individual Assistance.

Johnson and Wyandotte Counties for Public Assistance, including direct Federal assistance, at 75 percent Federal funding.

All counties within the State of Kansas are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–3733 Filed 2–14–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1403–DR]

Missouri; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–1403–DR), dated February 6, 2002, and related determinations.

EFFECTIVE DATE: February 6, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 6, 2002, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Missouri, resulting from a severe winter ice storm on January 29, 2002, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Missouri.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a),

Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint William Lokey of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Missouri to have been affected adversely by this declared major disaster:

Adair, Audrain, Bates, Benton, Boone, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Grundy, Henry, Howard, Jackson, Johnson, Lafayette, Linn, Livingston, Macon, Monroe, Morgan, Pettis, Platte, Randolph, Ray, Saline, Shelby, St. Clair, Sullivan, and Vernon Counties for Individual Assistance.

Bates, Carroll, Cass, Clay, Howard, Jackson, Johnson, Lafayette, Linn, Pettis, Platte, Randolph, Ray and Saline Counties for Public Assistance.

All counties within the State of Missouri are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Joe M. Allbaugh,

Director.

[FR Doc. 02–3734 Filed 2–14–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1401–DR]

Oklahoma; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma, (FEMA–1401–DR), dated February 1, 2002, and related determinations.

EFFECTIVE DATE: February 7, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery and Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include Individual Assistance for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 1, 2002:

Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kay, Kingfisher, Logan, Major, Noble, Oklahoma, Osage, Pawnee, Payne, Roger Mills, Texas, Washington, Washita, Woods, and Woodward Counties for Individual Assistance (already designated for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance at 75 percent Federal funding under Public Assistance).

Cleveland, Comanche, Creek, Garvin, Grady, Greer, Harmon, Jackson, Kiowa, Lincoln, McClain, Nowata, Pottawatomie, Rogers, Stephens, Tillman, and Tulsa Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–3731 Filed 2–14–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1401–DR]

Oklahoma; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma, (FEMA–1401–DR), dated February 1, 2002, and related determinations.

EFFECTIVE DATE: February 7, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery and Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include Categories C through G under Public Assistance for the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 1, 2002:

Canadian, Garfield, Kingfisher, Osage, and Washita Counties for Categories C through G under Public Assistance (already designated for debris removal and emergency protective measures (Categories A and B), including direct Federal Assistance at 75 percent Federal funding under Public Assistance) and Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–3732 Filed 2–14–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc.76-1979) published on page 1979 of the issue for Tuesday, January 15, 2002.

Under the Federal Reserve Bank of Boston heading, the entry for James J. Mawn, Gloucester, Massachusetts, is revised to read as follows:

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

2. James J. Mawn, Gloucester, Massachusetts, Rita M. Mawn, Naples, Florida, Rita M. Barger, Manlius, New York, Sheila E. Carpenter, San Antonio, Texas, James J. Mawn, Jr., Charlestown, Massachusetts, Alicia J. Mawn-Mahlau and Sam A. Mawn-Mahlau, both of Winchester, Massachusetts, Louise S. McDonough, and Mary E. Negri, both of Woburn, Massachusetts, Mary Catherine Riley, Princeton, New Jersey, Marilyn C.

Mawn, Boston, Massachusetts, and the Mawn Family Limited Partnership, Woburn, Massachusetts (James J. Mawn, Jr. and Marilyn C. Mawn, general partners), acting in concert to acquire voting shares of Northern Bancorp, Inc., Woburn, Massachusetts, and thereby indirectly acquire Northern Bank and Trust Company, Woburn, Massachusetts.

Comments on this application must be received by March 1, 2002.

Board of Governors of the Federal Reserve System, February 11, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–3700 Filed 2–14–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 1, 2002.

A. Federal Reserve Bank of Cleveland (Stephen J. Ong, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. First Financial Bancorp, Hamilton, Ohio; to engage *de novo* through First Financial Capital Advisors, LLC, Hamilton, Ohio, in providing investment advisory services to open-end investment companies (mutual funds), pursuant to section 225.28(b)(6)(i) and providing a range of administrative and related services to mutual funds, see Bankers Trust New York Corporation, 83 Federal Reserve Bulletin 780 (1997).

Board of Governors of the Federal Reserve System, February 11, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–3699 Filed 2–14–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of December 11, 2001

In accordance with § 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on December 11, 2001.[1]

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. To further its long-run objectives, the Committee in the immediate future seeks conditions in reserve markets consistent with reducing the federal funds rate to an average of around 1¾ percent.

By order of the Federal Open Market Committee, February 6, 2002.

Donald L. Kohn,

Secretary, Federal Open Market Committee.

[FR Doc. 02–3749 Filed 2–14–02; 8:45 am]

BILLING CODE 6210–01–S

[1] Copies of the Minutes of the Federal Open Market Committee meeting on December 11, 2001, which includes the domestic policy directive issued at the meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

GENERAL ACCOUNTING OFFICE

Advisory Council on Government Auditing Standards.

AGENCY: General Accounting Office.

ACTION: Notice of document availability.

SUMMARY: On January 31, 2002, the U.S. General Accounting Office (GAO), on the recommendation of the Advisory Council on Government Auditing Standards, issued an exposure draft of proposed revisions to Government Auditing Standards (also known as the Yellow Book) (GAO–02–340G). The changes propose revision throughout the entire set of standards except for the second general standard, independence, which was revised separately. The proposed revisions fall into three categories: GAGAS framework, consistent application of the standards where applicable to the various types of audits, and strengthening or streamlining the standards.

DATES: Comments are accepted through April 30, 2002.

ADDRESSES: A copy of the exposure draft can be obtained on the Internet on GAO's Home Page (*www.gao.gov/govaud/ybk01.htm*). Additional copies of these proposed revisions can be obtained from the U.S. General Accounting Office, Room 1100, 700 4th Street, NW., Washington, DC 20548, or by calling (202) 512–6000.

FOR FURTHER INFORMATION CONTACT: Marcia Buchanan, Assistant Director, Government Auditing Standards, 202–512–9321.

SUPPLEMENTARY INFORMATION: Since GAO is still experiencing delays in mail delivery, it would be preferable if you sent your comments via e-mail to *yellowbook@gao.gov.* To ensure that your comments are considered by the Advisory Council in their deliberations, please submit them by April 30, 2002. If you need to use the mail, it would be helpful if you sent your comments both in writing and on diskette (in Word or ASCII format). Please sent any mail to the following address: Government Auditing Standards Comments, U.S. General Accounting Office, Room 5X16 (FMA), 441 G Street, NW., Washington, DC 20548. (31 U.S.C. 7501–7507)

Marcia B. Buchanan,

Assistant Director, Financial Management and Assurance.

[FR Doc. 02–3728 Filed 2–14–02; 8:45 am]

BILLING CODE 1610–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS).

Time and Date:

February 26, 2002—9 a.m.–6:00 p.m.

February 27, 2002—10 a.m.–3:30 p.m.

Place: Hubert H. Humphrey Building, Room 705A, 200 Independence Avenue SW., Washington, DC 20201.

Status: Open.

Purpose: At this meeting the Committee will hear presentations and hold discussions on several health data policy topics. On the first day the full Committee will be briefed by HHS staff on number of topics including an update on activities of the HHS Data Council; Department responses to recent reports and recommendations from the Committee; and the status of implementation of the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) including the status of privacy and data standards regulations. The Committee will hear presentations on Public Health Preparedness and the National Health Information Infrastructure from a panel of speakers, and a second panel of speakers will present on the Public Key Infrastructure. The Committee will also review drafts of written materials including its 5th annual report to Congress on the implementation of HIPAA administrative simplification provisions. There will be Subcommittee breakout sessions late in the afternoon of the first day and prior to the full Committee meeting on the second day. On the second day the Committee will hear from the Director of the National Center for Health Statistics on that agency's activities and will be briefed by the HHS Office for Human Research Protections on the mission and purpose of that Office. Later in the day the Committee will hear reports from the Subcommittees and Workgroups. Finally, the agendas for future NCVHS meetings will be discussed.

Notice: In the interest of security, HHS has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Persons without a government identification card may need to have the guard call for an escort to the meeting.

Contact Person for More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS website: *http://www.ncvhs.hhs.gov/,* where further information including an agenda will be posted when available.

Dated: February 8, 2002.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 02–3753 Filed 2–14–02; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–02–26]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to 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

Levels of Selected Drinking Water Disinfection By-products in Whole Blood after Showering: The Effect of Genetic Polymorphisms—NEW—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Chlorine is the most commonly used chemical for disinfecting U.S. water supplies; however, chlorine reacts with organic compounds in the water to produce halogenated hydrocarbon by-products. Exposure to these disinfection by-products (DBPs) has been associated with liver and bladder cancer in humans and is suspected of other adverse health outcomes. We recently completed a study of household exposure to one class of DBPs in tap water, trihalomethanes (THMs) (Backer *et al.,* 2000). We found an increase in whole blood levels of one class of (THMs) after people showered or bathed in tap water. We also found that the increases fell roughly into two groups; one group was clustered around a higher level, the other a lower level. It is possible that this clustering is the result of individual variations in physiological characteristics or it could be the result of differences in the ability to metabolize THMs.

Since several polymorphically expressed enzymes are linked to the metabolism of DBPs, these physiologic and genetic differences may be important in determining an individual's risk for cancer and other health risks associated with exposure to these compounds. We plan to measure the change in blood concentration of DBPs after showering. We will then examine the association between people with different enzyme variants and post-exposure blood THM levels. The study will be conducted in two parts. Part 1 will involve recruiting 250 volunteers who do not have a history of lung problems and who are willing to participate in all aspects of the study. These 250 will be asked to provide some demographic information. They will also provide a buccal cell sample that will be analyzed in order to find a pool of 100 volunteers who have the genetic polymorphisms of interest. Part 2 will involve the 100 study subjects giving three blood samples before and three blood samples after taking a shower. A urine sample will be collected and stored for future use in evaluating urine levels of haloacetic acids (HAAs), another important class of drinking water DBPs. Air and water samples will also be collected.

Subjects will complete a brief questionnaire in order to obtain personal information that might impact the dose of volatized DBPs they receive. This data will be analyzed to determine whether the physiologic and genetic differences among individuals result in differences in blood THM levels after similar exposure. There are no costs to respondents.

Respondents	Number of respondents	Number of responses respondent	Average burden/response (in hours)	Total burden (in hours)
Healthy, College-age adults	250	1	1	250

Respondents	Number of respondents	Number of responses respondent	Average burden/response (in hours)	Total burden (in hours)
Respondents with genetic variants of interest	110	1	2	220
Total				470

Dated: February 8, 2002.

Julie Fishman,

Acting Deputy Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–3729 Filed 2–14–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–02–27]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Process Evaluation of CDC's Youth Media Campaign—NEW—National Center For Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC)

In FY 2001, Congress established the Youth Media Campaign at the Centers for Disease Control and Prevention (CDC). Specifically, the House Appropriations Language said: *The Committee believes that, if we are to have a positive impact on the future health of the American population, we must change the behaviors of our children and young adults by reaching them with important health messages.* CDC, working in collaboration with the Health Resources and Services Administration (HRSA), the National Center for Child Health and Human Development (NICHD), and the Substance Abuse and Mental Health Services Administration (SAMHSA), is coordinating an effort to plan, implement, and evaluate a campaign designed to clearly communicate messages that will help kids develop habits that foster good health over a lifetime. The Campaign will be based on principles that have been shown to enhance success, including: designing messages based on research; testing messages with the intended audiences; involving young people in all aspects of Campaign planning and implementation; enlisting the involvement and support of parents and other influencers; tracking the Campaign's effectiveness and revising Campaign messages and strategies as needed.

For the Campaign to be successful, close monitoring of the implementation of the Campaign through process evaluation is essential. Campaign planners are interested in understanding how well and under what conditions the Campaign was implemented and the size of the audience that was exposed to the messages. This understanding will facilitate any strategy changes that may be necessary to increase the Campaign's effectiveness and sustainability.

The Youth Media Campaign will conduct process evaluation with convenience samples during community events in up to 15 communities nationwide, as well as through the Campaign Web site and listservs. This process evaluation may include, but is not limited to, gathering information from tweens, parents, other teen and adult influencers, community stakeholders, and partners through: in-person and follow-up telephone interviews; intercept interviews; panels or reoccurring focus groups; internet online surveys; and bounce-back Web surveys with users of Web site. Additionally, the Youth Media Campaign process evaluation will examine the implementation of Campaign strategies through community partners. Partner process evaluation methods include, but are not limited to, partner reporting logs, a partner listserv reporting system, partner surveys, and partner interviews.

The purpose of the process research is to determine to what extent the Youth Media Campaign was implemented as planned, the challenges that occurred and how they were addressed, in order to refine campaign strategies. Additionally, the process research will examine to what extent partnerships were formed and the effectiveness of the partnership activities.

Respondents	Number of respondents	Number of responses/ respondent	Average burden of response (in hours)	Total burden (in hours)
Tweens (ages 9–13)	20,000	1	15/60	5,000
Reoccurring tween panel(s)	30	4	2	240
Parents	10,000	1	15/60	2,500
Reoccurring parent panel(s)	30	4	2	240
Adult influencers	7,500	1	15/60	1,875
Older teen influencers	4,000	1	15/60	1,000
Community stakeholders	2,000	1	30/60	1,000

Respondents	Number of respondents	Number of responses/ respondent	Average burden of response (in hours)	Total burden (in hours)
Reoccurring community stakeholder panel(s)	40	2	2	160
Partners/alliances	2,000	6	3/60	6,000
Total				18,015

Dated: February 8, 2002.

Julie Fishman,

Acting Deputy Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–3730 Filed 2–14–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Application and Program Reporting Requirements for Children's Justice Act Grants.

OMB No.: 0980–0196.

Description: The Program Instruction, prepared in response to the Children's Justice Act and authorized by Title I of the Child Abuse Prevention and Treatment Act (CAPTA) (as amended) and in the process of reauthorization, provides direction to States and Territories to accomplish the purposes of assisting States in developing, establishing, and operating programs designed to improve: (1) The handling of child abuse and neglect cases, particularly child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim; (2) the handling of cases of suspected child abuse or neglect related fatalities; and (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation. This Program Instruction contains information collection requirements that are found in Public Law 104–235 at Sections 107(b), 107(d), and pursuant to receiving a grant award. The information being collected is required by statute to be submitted pursuant to receiving a grant award.

The information submitted will be used by the agency to ensure compliance with the statute; to monitor, evaluate, and measure grantee achievements in addressing the investigation and prosecution of child abuse and neglect; and to report to Congress.

Respondents: State Governments.

Annual Burden Estimates

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application	52	1	40	2080
Annual Performance Report	52	1	20	1040
Estimated total annual burden hours				3,120

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: February 6, 2002.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 02–3747 Filed 2–14–02; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4737–N–02]

Notice of Proposed Information Collection for Public Comment: Section 8 Random Digit Dialing Fair Market Rent Telephone Survey

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 16, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8228, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Marie Lihn, Economic and Market Analysis Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8222, Washington, DC 20410; telephone (202) 708–0590, extension 5866; e-mail *marie_1._lihn@hud.gov*. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Lihn.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban

Development will submit the proposed information collection package to OMB for review as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Section 8 Random Digit Dialing Fair Market Rent Telephone Survey. OMB Control Number: 2528–0142.

Description of the need for the information and proposed use: This provides HUD with a fast, inexpensive way to estimate and update Section 8 Fair Market Rents (FMRs) in areas not covered by AHS or CPI surveys, and in areas where FMRs are believed to be incorrect. It also provides estimates of annual rent changes. Section 8(C)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents (FMRs) annually to be effective on October 1 of each year. FMRs are used for the Section 8 Rental Certificate Program (including space rentals by owners of manufactured homes under that program); the Moderate Rehabilitation Single Room Occupancy program; housing assisted under the Loan Management and Property Disposition programs; payment standards for the Rental Voucher program; and any other programs whose regulations specify their use.

Random digit dialing (RDD) telephone surveys have been used for several years to adjust FMRs. These surveys are based on a sampling procedure that uses computers to select statistically random samples of telephone numbers to locate certain types of rental housing units for surveying. HUD contracts with a private company to conduct two types of RDD surveys: (1) Approximately 50 individual FMR areas are surveyed every year to test the accuracy of their FMRs; (2) In addition, 20 RDD surveys are conducted every year to provide updating factors for FMRs not surveyed individually and for Annual Adjustment Factors (AAFs). These surveys are conducted in the non-metropolitan portions of all 10 HUD regions, and in the 10 metropolitan portions that do not have their own Consumer Price Index (CPI) surveys.

Members of affected public: Individuals or households living in areas surveyed.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Type of survey	Number of phone calls made	Average minutes each	Minutes	Hours
TELEPHONE SURVEYS:				
Number who pick up phone but are screened out	416,970	1.16	484,942	8,082
Total interviewed (movers and stayers)	42,205	4.32	182,364	3,039
MAIL SURVEYS	3,984	5.00	19,920	332
Annual Total	463,159	.....	687,226	11,453

Status of the proposed information collection: Pending OMB approval.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; and Section 8(C)(1) of the United States Housing Act of 1937.

Dated: February 7, 2002.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development & Research.

[FR Doc. 02–3697 Filed 2–14–02; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4737–N–01]

Notice of Proposed Information Collection for Public Comment: HOME Investment Partnership Program Study: 2001–2003

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement concerning a project to obtain information on the HOME Investment Partnership Program Study 2001–2003 will be submitted to the Office of Management and Budget (OMB) for review as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 16, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Report Liaison Officer, Department of Housing and Urban Development, 451 7th Street, Room 8228, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Judson James, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8140, Washington, DC 20410, telephone number (202) 708–1336 extension 5707 (this is not a toll-free number). Copies of the proposed forms and other available documents may be obtained from Mr. James.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary to proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed

collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mail survey of HOME Investment Partnership Program administrators regarding homebuyer activities funded by the HOME Program.

Description of the need for the information and proposed use: The information to be collected is part of a larger study, conducted by Abt Associates Inc., of homebuyer programs funded with HUD's HOME block grant program. Since HOME is the principal HUD-funded program for supporting homebuyer assistance and homebuyer development programs, it is imperative that HUD understands the type of homebuyer programs being developed using HOME. All participating jurisdictions (PJS) will receive a mail survey designed to gather information about the key characteristics of homebuyer programs. The topics to be covered include: listing the individual homebuyer programs funded; general information on each of these programs; targeting eligibility for the programs; underwriting requirements; use of sub-recipients and contractors; counseling provided; marketing and outreach; program partners; use of direct assistance or development programs; and types of loan-level data available (but not about the loans themselves). The data will be used to develop a comprehensive database on HOME-funded homebuyer programs. This research is intended to help HUD better understand the characteristics of homebuyer programs funded by the HOME program. This understanding is crucial in: (a) Determining how and to what extent the HOME program is being used for homebuyer activities; and (b) informing policy development decisions regarding the HOME program. At present there is no systematic information on how HOME funds are used to support homebuyer activities. This survey will fill this gap.

Members of affected public: State and local administrators of the HOME program.

Estimation of the total number of hours needed to prepare the information collection, including the number of respondents, frequency of response, and hours of response:

Types of respondents	Number of respondents	Number of responses	Hours per respondent	Total burden hours
State and Local Program Administrators	595	1	1	595

Total Estimated Annual Burden Hours: 595 (one time).

Status of the proposed Information collection: Pending OMB approval.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 7, 2002.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 02–3698 Filed 2–14–02; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Initial Approved Information Collection, OMB Number 1018–_____, on Training Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: 30-Day Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service is announcing its intention to automate the collection of training applications and provide an optional alternative application specifically for the training conducted by the USFWS National Conservation Training Center. Applicants who wish to participate in training sponsored by the National Conservation Training Center (NCTC) fill out a training request nomination application offered in both hard copy and web registration format. Fish and Wildlife Service employees requesting non NCTC training or conference attendance complete the electronic SF–182 application via the Training Server Application. The USFWS currently utilizes the Office of Personnel Management, Standard Form 182 (Rev 12/79) which was designed with five or ten parts with carbon attachments and to be completed via type writer and is not kept electronically. The new form, which will be used by both Federal and non-Federal applicants is expected to take 3 to 12 minutes to fill out. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form.

We will submit the collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995. If you wish to obtain copies of the proposed information collection requirement, related forms, and explanatory material, contact the Collection Clearance Officer at the address listed below.

ADDRESSES: Interested parties should send comments and suggestions on specific requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Interior Desk Officer, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503 and they should send a copy of the comments to Rebecca Mullin, Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222–ARLSQ; 4401 N. Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin, Collection Clearance Officer at 703–358–2287, or electronically to: *Rebecca_Mullin@fws.gov*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement the provisions of the Paperwork Reduction Act of 1995 (Public Law 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and record keeping activities (see 5 CFR 1320.8(d)). The U.S. Fish and Wildlife Service (We) has submitted a request to OMB to approve collection of information for the Service's training application form. We are requesting a 3-year approval for the information collection activity. Applicants who wish to participate in training sponsored by the National Conservation Training Center (NCTC) fill out a training request nomination application offered in both hard copy and web registration format. Fish and Wildlife Service employees requesting non NCTC training or conference attendance complete the

electronic SF–182 application via the Training Server Application.

The USFWS currently utilizes the Office of Personnel Management, Standard Form 182 (Rev 12/79) which was designed with five or ten parts with carbon attachments and to be completed via type writer and is not kept electronically. The new form, which will be used by federal and non-federal applicants is expected to take 3 to 12 minutes to fill out.

We invite comments concerning this information collection on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden, (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. The information collections in this program are part of a system of record covered by the Privacy Act (5 U.S.C. 552a).

Federal agencies 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 information collection requirements in this submission implement the regulatory requirements of the Statute Title 5 U.S.C. Chapter 41, Section 5 CFR part 410, and 231 FW1 Training Management Policy and Responsibilities. The burden listed below applies only to non-Federal applicants who use the new form.

OMB Control Number: 1018–_____.

Service Form Number: FWS Form 3–2193.

Frequency of Collection: As training enrollment dictates.

Description of Respondents: All affiliations of persons who wish to participate in training given at or sponsored by the USFWS National Conservation Training Center. These are generally natural conservation related affiliates such as Service employees, Department of the Interior employees, other Federal employees such as EPA, DOD biologists, OPM, state agency personnel, private, not-for-profit agencies such as The Conservation Fund, and university personnel. Only non-Federal applicants and their burden are listed below.

Total Annual Burden Hours: 61.35.

Total Annual Responses: 1227 (non-federal).

Total Annual Non-Hour Cost Burden: $0.

Dated: February 6, 2002.

Rebecca A. Mullin,

Information Collection Officer, U.S. Fish and Wildlife Service.

[FR Doc. 02–3609 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

Applicant: Field Museum of Natural History, Chicago, IL, PRT–052418.

The applicant requests a permit to import biological samples from Diademed sifaka (*Propithecus diadema*), Brown lemur (*Eulemur fulvus*), and Red-bellied lemur (*Eulemur rubriventer*) collected in the wild in Madagascar, for scientific research.

Applicant: Mesa Garden, Belen, NM, PRT–678845.

The applicant requests the addition of star cactus, *Astrophytum* (=*Echinocactus*) *asterias* to their interstate and foreign commerce permit, and the renewal of their permit for the following cactus species: Tobusch fishhook, *Anicistocactus tobuschi* (syn. *Sclerocactus brevihamatus*); Nellie's cory, *Coryphantha* (=*Escobaria*) *minima*; bunched cory, *Coryphantha ramillosa*; Cochise pincushion, *Corypanthia*(=*Coshiseia* =*Escobaria*) *robbinsorum*; Lee pincushion, *Corypantha* (=*Escobaria* =*Mammillaria*) *sneedii* var. *leei*; Sneed pincushion *Corypantha* (=*Escobaria*=*Mammilaria*) *sneedii* var. *sneedii*; Chisos Mountain hedgehog, *Echinocereus chinoensis* (=*reichenbachii*) var. *chisoensis*; Kuenzler hedgehog, *Echinocereus fendleri* var. *kuenzleri*; Lloyd's hedgehog, *Echinocereus lloydii* (= *E. roetteri* var. l.); black lace, *Echinocereus reichenbachii* var. *albertii*; Arizona hedgehog, *Echinocereus triglochidiatus* var. *arizonicus*; Davis green pitaya, *Echinocereus viridiflorus* var. *davisii*; Lloyd's mariposa, *Neolloydia mariposensis*; Brady's pincushion, *Pediocactus bradyi*; San Rafael, *Pediocactus dispainii*; Knowlton's, *Pediocactus knowltonii*; Peebles Navajo, *Pediocactus peeblesianus* var. *peeblesianus*; Siler pincushion, *Pediocactus sileri*; Uinta Basin hookless, *Sclerocactus glaucus*; Mesa Verde, *Sclerocactus mesae-verdae*; and Wright's fishhook, *Sclerocactus wrightiae* for the purpose of enhancement of the species through captive propagation. This notification covers activities conducted by the applicant for a period of five years.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: February 1, 2002.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–3706 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Final Environmental Impact Statement (EIS) on the Icicle Creek Restoration Project

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Final Environmental Impact Statement (EIS) on the proposed Icicle Creek Restoration Project is available. Preparation of the Record of Decision will begin no sooner than 30 days from this notice.

ADDRESSES: Questions should be addressed to Ms. Corky Broaddus, Supervisory Information and Education Specialist, U. S. Fish and Wildlife Service, Leavenworth National Fish

Hatchery Complex, 12790 Hatchery Road, Leavenworth, WA 98826.

FOR FURTHER INFORMATION CONTACT: Greg Pratschner, Icicle Creek Restoration Project Leader, U.S. Fish and Wildlife Service, Leavenworth National Fish Hatchery Complex, 12790 Fish Hatchery Road, Leavenworth, Washington 98826, at (509) 548–7641.

Individuals wishing copies of this Final EIS for review should immediately contact the U.S. Fish and Wildlife Service, Leavenworth National Fish Hatchery Complex. Copies have been sent to all agencies and individuals who previously received copies and to all others who have already requested copies.

SUPPLEMENTARY INFORMATION:

Document Availability

Copies of the final Environmental Impact Statement are available at the following government offices and libraries:

Government Offices—Fish and Wildlife Service, Leavenworth National Fish Hatchery, 12790 Hatchery Road, Leavenworth, WA 98826, (509) 548–7641; Fish and Wildlife Service, Mid-Columbia River Fisheries Resource Office, 12790 Hatchery Road, Leavenworth, WA 98826, (509) 548–7573; Forest Service, Leavenworth Ranger District, 600 Sherbourne, Leavenworth, WA 98826, (509) 548–6977; Forest Service, Okanogan-Wenatchee National Forest, Supervisor's Office, 215 Melody Lane, Wenatchee, WA 98801, (509) 662–4335.

Libraries—Leavenworth Public Library, 700 Highway 2, Leavenworth, WA 98826, (509) 548–7923; Wenatchee Public Library, 310 Douglas, Wenatchee, WA 98801, (509) 662–5021; East Wenatchee Public Library, 271 Ninth Street Northeast, East Wenatchee, WA 98802, (509) 886–7404; Cashmere Public Library, 101 Woodring, Cashmere, WA 98815, (509) 782–3314.

A. Background

Pursuant to the National Environmental Policy Act (NEPA), the U.S. Fish and Wildlife Service (Service) prepared a Final Environmental Impact Statement evaluating the consequences of a proposed action to remove instream structures in Icicle Creek, a tributary of the Wenatchee River, near Leavenworth, Washington.

When the Leavenworth National Fish Hatchery (Hatchery) was built in 1939, the original Icicle Creek channel was modified into a series of salmon and steelhead holding ponds with the instream placement of weirs, dams, and a headgate, which controlled flow through the ponds. Fish passage to areas above the Hatchery was deliberately blocked. Flow in Icicle Creek was diverted downstream via a manmade canal bounded on the downstream end by a velocity barrier dam and spillway. The use of the instream ponds to hold returning salmon, and steelhead was abandoned in 1979, due to recurrent water temperature and water quality problems. Instead, the hatchery constructed a conventional fish ladder and holding ponds adjacent to the spillway dam. The ladder and holding ponds are currently in use.

On March 10, 1999, the Service published a Notice of Intent (NOI) to prepare an EIS in the **Federal Register**. The Purpose and Need were to provide long term, year-round, sustainable passage of native fish to habitat above the Leavenworth National Fish Hatchery, and provide riverine fish habitat through the Hatchery grounds.

Scoping activities were undertaken preparatory to developing a draft EIS in cooperation with the U.S. Forest Service. We proposed to provide improved riverine habitat within the hatchery grounds. Structure No. 2 (headgate) would be retained for its historic value and to provide control for high flows. A new fish passage structure would be constructed at Structure No. 2 to accommodate up and downstream, migrating fish. Sediment would be dredged out of the historic channel to reduce downstream transport. A seasonal fish barrier would be constructed at Structure No. 5, for collecting returning adult spring Chinook salmon and maintaining the effectiveness of the hatchery operations. These actions will be modified to accommodate upstream and downstream fish passage. Project impacts are expected to be the same as described in the June 2001 draft EIS.

B. Development of the Final EIS

The final EIS has been developed cooperatively by the U.S. Fish and Wildlife Service (lead agency) and the U.S. Forest Service. In the development of the final EIS, the Service has initiated action to assure compliance with the purpose and intent of the National Environmental Policy Act of 1969, as amended.

Key issues addressed in the final EIS are identified as the effects that implementation of various alternative would have upon (1) hatchery operations, (2) threatened and endangered species and their riverine habitat, (2) stream dynamics, (3) tribal fisheries, (4) water quality and sediment, (5) historic values, (6) wetlands, and other resource related issues.

C. Alternatives Analyzed in the Final EIS

More than 20 alternatives were considered before limiting the alternatives to be advanced for further study. Six alternatives advanced for detailed analyses include: (1) Alternative 1, The No Action Alternative in which none of the existing structures in the historic channel would be removed, and the channel would be managed as status quo, (2) Alternative 2, the Restoration Strategy Alternative, which was all possible actions proposed by other agencies, public interests groups, and neighbors for providing both fish passage and riverine habitat within the hatchery grounds, (3) Alternative 3, The Service's Proposed Action, and our Preferred Alternative, which recognizes concerns about stream dynamics, historic values, water quality, and the tribal issues, (4) Alternative 5 maintained current flow regimes to favor existing hatchery fish collection, and holding facilities, while maintaining existing wetlands, (5) Alternative 6 was developed to provide fish passage through the historic channel at least cost, by modifying the headgate and structure No. 5, and only flushing natural sediments, and (6) Alternative 7, which was driven by the concern of preserving the historic values of the original hatchery construction.

The Service has selected Alternative Number 3 as their preferred alternative with a slight modification. That modification is to employ natural flushing of accumulated sediments, rather than using mechanical dredging to remove those sediments. Impacts anticipated will be: Numbers of hatchery fish produced will be maintained; tribal fisheries will be maintained; all sediment will be transported through the Icicle Creek and Wenatchee River systems, to the Columbia, and Alternative 3, with modifications, will provide upstream and downstream passage for the fish.

Dated: February 8, 2002.

Anne Badgley,

Regional Director, Region 1, Portland, Oregon.

[FR Doc. 02–3610 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Technology Transfer Act of 1986

AGENCY: Geological Survey.

ACTION: Notice of proposed Cooperative Research & Development Agreement (CRADA) Negotiations.

SUMMARY: The United States Geological Survey (USGS) is contemplating entering into a Cooperative Research and Development Agreement (CRADA) with High Altitude Mapping Missions, Inc. for the purpose of testing and developing high altitude Large Area Mapping Technology.

Inquiries: If any other parties are interested in similar activities with the USGS, please contact Thomas Hildenbrand, USGS–MS 989, 345 Middlefield Rd., Menlo Park, CA 94025; phone (650) 329–5303.

SUPPLEMENTARY INFORMATION: This notice is submitted to meet the USGS policy requirements stipulated in Survey Manual Chapter 500.20.

Dated: February 5, 2002.

P. Patrick Leahy,

Associate Director for Geology.

[FR Doc. 02–3736 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Technology Transfer Act of 1986

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of Proposed Cooperative Research & Development Agreement (CRADA) Negotiations.

SUMMARY: The United States Geological Survey (USGS) is contemplating entering into a Cooperative Research and Development Agreement (CRADA) with Minerals Information Institute to develop interactive mineral educational materials for science teachers and students in grades K–12.

Inquiries: If any other parties are interested in similar activities with the USGS, please contact Joseph Gambogi, 12201 Sunrise Valley Drive, MS 983, Reston, VA 21092, phone: (703) 648–7718.

SUPPLEMENTARY INFORMATION: This notice is submitted to meet the USGS policy requirements stipulated in Survey Manual Chapter 500.20.

Dated: February 5, 2002.

P. Patrick Leahy,

Associate Director for Geology.

[FR Doc. 02–3735 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of renewal of a current approved information collection.

SUMMARY: This notice announces that the Bureau of Indian Affairs (BIA) in accordance with the Paperwork Reduction Act is soliciting comments on the Financial Assistance and Social Service program application forms in order to renew the Office of Management and Budget (OMB) clearance. This information collection request is cleared under OMB control number 1076–0017 and expires on June 20, 2002.

DATES: Written comments must be submitted on or before April 16, 2002.

ADDRESSES: Written comments or suggestion should be sent directly to Larry Blair, Office of Tribal Services, Bureau of Indian Affairs, Department of Interior, 1849 C Street, NW, MS–4603–MIB, Washington, DC 20240. Facsimile number (202) 208–2648.

FOR FURTHER INFORMATION CONTACT: Larry Blair, 202–208–2479.

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collected is necessary to be in compliance with 25 CFR part 20 and 25 U.S.C. 13. The information is used to make determinations of eligibility for the BIA's social service (financial assistance) programs: General Assistance, Child Welfare Assistance, Miscellaneous Assistance, and services only (no cash assistance).

The information is also used to insure uniformity of services, and assure the maintenance of current and accurate records for clear audit facilitating data. All information collected is retained in an individual case record and used for case management/case planning purposes. The BIA does not require an individual to maintain a record.

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.

II. Request for Comments

The Department of the Interior invites comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the BIA, including whether the information will have practical utility;

(b) The accuracy of the BIA estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

Burden means the total time, 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; to develop, acquire, install and utilize technology and systems for the purpose of collection, validating, and verifying information, processing and maintaining information, and disclosing and providing information, to search data sources to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection in Room 4651 of the Main Interior Building, 1849 C Street, NW, Washington, D.C. from 9:00 a.m. until 3:00 p.m., Monday through Friday, excluding legal holidays.

III. Data

Title of the collection of information: Department of the Interior, Bureau of Indian Affairs, Financial Assistance and Social Service Programs.

OMB Number: 1076–0017.

Expiration Date: June 30, 2002.

Type of Review: Extension of a currently approved collection. The information is submitted to obtain or retain benefits and for case management/case planning purposes.

Affected Entities: Individual members of Indian tribes who are living on or near a tribal service area.

Frequency of responses: One application per year.

Estimated Number of Annual Responses: 200,000.

Estimated Total Annual Burden Hours: 33,333 hours.

Dated: January 31, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3688 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–43–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–090–1990EX–02]

Notice of Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of a Final Supplemental Environmental Impact Statement (EIS) for Reclamation of the Zortman and Landusky Mines in Phillips County, Montana. This is a supplement to the 1996 Final EIS on Reclamation Plan Modifications and Mine Life Extensions at the Zortman and Landusky Mines. The Final Supplemental EIS addresses 12 reclamation alternatives, six for the Zortman Mine and six for the Landusky Mine. The BLM and Montana Department of Environmental Quality (DEQ) are co-lead agencies for the preparation of the Supplemental EIS. The Environmental Protection Agency and the Fort Belknap Indian Community Council are participating agencies.

DATES: A record of decision will be prepared no earlier than 30 days after the Notice of Receipt for the Final Supplemental EIS is published in the **Federal Register**.

ADDRESSES: Copies of the Final Supplemental EIS are available from the Bureau of Land Management, Malta Field Office, HC 65 Box 5000, Malta, Montana, 59538.

FOR FURTHER INFORMATION CONTACT: Scott Haight, 406–538–1930.

SUPPLEMENTARY INFORMATION: This EIS is a final supplement to the March 1996 Final EIS Zortman and Landusky Mines Reclamation Plan Modifications and Mine Life Extensions. With the bankruptcy of the mines' operator, Zortman Mining, Inc., the BLM and DEQ are overseeing reclamation at the mines. The Final Supplemental EIS has been prepared to analyze additional reclamation alternatives developed by the agencies that may constitute a substantial change from those presented in the 1996 Final EIS. The Final Supplemental EIS presents 12 reclamation plans, six for reclamation of the Zortman Mine and six for reclamation of the Landusky Mine. The reclamation plans were developed based upon public comments and through consultation with the Fort Belknap government and the Environmental Protection Agency. The Final Supplemental EIS discloses the environmental consequences of each alternative. Alternative Z6 is identified in the Final Supplemental EIS as the DEQ and BLM preferred reclamation alternative for the Zortman Mine, and Alternative L4 is identified as the preferred reclamation alternative for the Landusky Mine. Implementation of the preferred reclamation alternatives would cost approximately $22.5 million more than is available under the reclamation bonds and would require additional funding. Alternatives Z3 and L3 have also been identified as ''preferred,'' in the event funding to implement Alternatives Z6 and L4 is not forthcoming. Also, an additional $11 million is needed to fund long-term water treatment regardless of which reclamation alternative is selected.

(Authority: Sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332))

Dated: January 4, 2002.

Bruce W. Reed,

Field Manager, Bureau of Land Management.

[FR Doc. 02–3690 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–02–5101–ER–F331; N–75493, N–75471, N–75472, N–75474, N–75475, N–75476, N–75477]

Environmental Statements; Notice of Intent: Ivanpah Energy Center, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent (NOI) to (1) announce a proposed Environmental Impact Statement (EIS) for the Ivanpah Energy Center Project; and (2) announce the locations, dates, and times of the scheduled public meetings for obtaining public comments.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, an EIS will be prepared by the Bureau of Land Management (BLM), Las Vegas Field Office for the Ivanpah Energy Center. The EIS will analyze the impacts of issuing rights-of-way for a gas-fired electric power plant and ancillary facilities (consisting of electric transmission lines, electric substations, a water pipeline, and an access road).

DATES: Three scheduled public meetings to be held at the following dates and locations:

- Tuesday, March 5, 2002 commencing at 7 p.m. and continuing until all those present have an opportunity to speak but closing no later than 9 p.m. Community Center, 375 West San Pedro Avenue, Goodsprings, Nevada.
- Wednesday, March 6, 2002 commencing at 7 p.m. and continuing until all those present have an opportunity to speak but closing no later than 9 p.m. Clark County Government Center, Room ODC #3, 500 Grand Central Parkway, Las Vegas, Nevada.
- Thursday, March 7, 2002 commencing at 7 p.m. and continuing until all those present have an opportunity to speak but closing no later than 9 p.m. Community Center, West Quartz Avenue, Sandy Valley, Nevada.

Individuals making written comments at the public meetings may request confidentiality. If you wish to withhold your name or street address from public review of disclosure under the Freedom of Information Act, you must state this definitively at the beginning of your written comments. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and for individuals identifying themselves as representatives or officials of organizations or businesses will be available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Jerry Crockford, Project Manager, Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130–2301 or Bureau of Land Management, Farmington Field Office, 1235 La Plata Highway, Suite A, Farmington, NM 87401; telephone (505) 599–6333, cellular telephone (505) 486–4255.

SUPPLEMENTARY INFORMATION: The EIS will address the proposed action and (at this time) one alternative.

The proposed action can be summarized as: Construction, operation and maintenance of a nominal 500 Megawatt (MW) gas-fired electrical power generating facility and ancillary facilities.

Except for a related electric transmission line, the proposed generating facility and most ancillary facilities are located on public land administered by the BLM, in the MDBM, T. 25 S., R. 58 E., sec. 1, and T. 25 S., R. 59 E., sec. 6 and in southern Clark County, Nevada. The proposed site is about 25 miles southwest of Las Vegas, and two and one-half miles southeast of the town of Goodsprings, Nevada. The plant consists of two gas turbine-generators. The turbine exhaust heat captured and used to create steam will drive a steam turbine-generator in a combined-cycle configuration. To minimize consumption of water, the

plant will use refrigerated air-cooling technology.

The proposed action also includes the following ancillary facilities: A 12-inch diameter gas pipeline; a four-inch diameter water-supply pipeline; a 230 kilovolt (kV) substation; the following 230 kV transmission lines: (1) Two 230 kV lines from the proposed Ivanpah Substation to the existing Pahrump-Mead 230 kV line corridor; (2) a 230 kV line from the Ivanpah Substation to the existing Western Area Power Administration Mead Substation; and (3) two 230 kV lines from the Table Mountain Substation to the Ivanpah Substation; and the following fiber optic lines: (1) An optical-fiber ground wire (OPGW) shield wire as an integral part of the Ivanpah-Mead #2 transmission line; and (2) an OPGW as an integral part of the Table Mountain-Ivanpah #1 transmission line. Access to the generation facility site would be via an existing, unimproved road connected to State Highway 161.

The plant will require approximately 22 months for construction. The plant will be built to operate continuously, except for semi-annual maintenance shutdowns, with a projected 40-year life. Power will be sold into the commercial power markets of Nevada, California, and Arizona.

Under the No Action Alternative, BLM would not issue right-of-way grants for the Ivanpah Energy Center and ancillary facilities. The project including the power plant, transmission lines, water pipeline, gas pipeline, access road, and temporary use areas would not be constructed. The areas proposed for the Ivanpah Energy Center would remain undeveloped. An energy need would not be met by the proposed plant's generated power.

Public participation is encouraged throughout the processing of this project. Comments presented throughout the process will be considered.

Dated: January 23, 2002.

Angie C. Lara,

Acting Field Manager.

[FR Doc. 02–3794 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ET; NVN–61415]

Cancellation of Proposed Withdrawal; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Geological Survey, Water Resources Division has cancelled its withdrawal application N–61415 for an administrative site at Carson City, Nevada. The original Notice of Proposed Withdrawal was published as FR Doc. 97–10276, 62 FR 19601, April 22, 1997.

EFFECTIVE DATE: February 15, 2002.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 775–861–6532.

SUPPLEMENTARY INFORMATION: The United States Geological Survey, Water Resources Division has cancelled withdrawal application N–61415 (FR Doc. 97–10276, 62 FR 19601, April 22, 1997) for an administrative site. The land remains closed to surface entry and mining due to an overlapping withdrawal (Public Land Order No. 7348).

Dated: January 9, 2002.

Jim Stobaugh,

Lands Team Lead.

[FR Doc. 02–3825 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–020–1430–ET; NMNM 103819]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) proposes to withdraw 4,484.16 acres of public land in Santa Fe and Rio Arriba Counties, New Mexico, in aid of legislation for the pueblos of Santa Clara and San Ildefonso land claim settlement. This notice closes the public land for up to 2 years from location under the United States mining laws. The public land will remain open to mineral leasing.

DATES: Comments must be received by May 16, 2002.

ADDRESSES: Comments should be sent to the Taos Field Office Manager, BLM, 226 Cruz Alta Road, Taos, New Mexico 87571–5983.

FOR FURTHER INFORMATION CONTACT: Lora Yonemoto, BLM Taos Field Office, 505–751–4709.

SUPPLEMENTARY INFORMATION: On November 30, 2001 a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from location under the United States mining laws, subject to valid existing rights:

New Mexico Principal Meridian

T. 20 N., R. 7 E.,
- Sec. 22, lots 1 to 7, inclusive, SWNE, S½NW, SW, and W½SE;
- Sec. 23, S½;
- Sec. 24, S½;
- Sec. 25, lots 2 to 4, inclusive, 9, N½, and N½S½;
- Sec. 26, lots 1 and 2, N½, SW, and N½SE;
- Sec. 27, lots 1 to 4, inclusive, W½E½, and W½
- Sec. 34, lots 1 to 4, inclusive, W½E½, and W½;
- Sec. 35, lots 1 to 4, inclusive, and W½.

T. 20 N., R. 8 E.,
- Sec. 19, lots 8 to 11, inclusive;
- Sec. 30, lots 2 to 5, inclusive, and lots 8 to 11, inclusive.

The area described contains approximately 4,484.16 acres in Rio Arriba and Santa Fe Counties.

The purpose of the proposed withdrawal is to protect the lands while legislation is being drafted to transfer these lands to the pueblos of Santa Clara and San Ildefonso as part of the pueblos' land claim settlement.

For a period of 90 days from the date of publication of the notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Taos Field Office Manager of the BLM at the above address.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Taos Field Office Manager within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the public land will be segregated as specified above unless the application is denied or canceled or the legislation enacted or a withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are

licenses, permits, cooperative agreements, and discretionary land use authorizations of a temporary nature with the approval of the authorized officer.

Dated: December 13, 2001.

Sam DesGeorges,

Assistant Taos Field Office Manager.

[FR Doc. 02–3689 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NMNM 103820]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, has filed an application to withdraw approximately 7,538.97 acres of National Forest System land in Santa Fe and Rio Arriba Counties, New Mexico, in aid of legislation for the proposed Global Settlement with the Pueblo of San Ildefonso. This notice closes the National Forest System land for up to 2 years from location under the United States mining laws. The land will remain open to mineral leasing.

DATES: Comments must be received by May 16, 2002.

ADDRESSES: Comments should be sent to the U.S. Department of Agriculture, Forest Service, Santa Fe National Forest, 1474 Rodeo Road, P.O. Box 1689 Santa Fe, New Mexico 87504–1689.

FOR FURTHER INFORMATION CONTACT: Michael Frazier, Santa Fe National Forest, 505–438–7824.

SUPPLEMENTARY INFORMATION: On August 17, 2001, the United States Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System land from location under the United States mining laws, subject to valid existing rights:

New Mexico Principal Meridian

T. 19 N., R. 7 E.,
- Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
- Sec. 6, lots 1 to 6, inclusive, S½NE¼, and SE¼;
- Sec. 7, lots 1, 2, and NE¼;
- Sec. 8, N½; sec. 9, N½.

T. 20 N., R. 7 E.,
- Sec. 19, lots 6 to 11, inclusive, E½SW¼, and SE¼;
- Sec. 20, lots 2 to 5, inclusive, and S½;
- Sec. 21, lots 1, 2, 4 inclusive, lots 5 to 7, inclusive, SE¼NE¼, NE¼SE¼, and S½S½;
- Sec. 28, all;
- Sec. 29, all;
- Sec. 30, lots 5 to 8, inclusive, E½W½, and E½;
- Sec. 31, lots 5 to 8, inclusive, E½W½, and E½;
- Sec. 32, all;
- Sec. 33, all.

The area described contains approximately 7,538.97 acres in Rio Arriba and Santa Fe Counties.

The purpose of the proposed withdrawal is to protect the lands while a Global settlement of the San Ildenfonso Pueblo aboriginal title claim case, Indian claim commission, docket #354, is being considered.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Santa Fe National Forest Supervisor at the above address.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Santa Fe National Forest Supervisor within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the legislation enacted or a withdrawal is approved prior to that date.

Dated: December 13, 2002.

Sam DesGeorges,

Assistant Taos Field Office Manager.

[FR Doc. 02–3691 Filed 2–14–02; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 182

AGENCY: Minerals Management Service, Interior.

ACTION: Final Notice of Sale 182.

SUMMARY: On March 20, 2002, the MMS will open and publicly announce bids received for blocks offered in Sale 182, Central Gulf of Mexico, pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331–1356, as amended) and the regulations issued thereunder (30 CFR part 256).

Bidders can obtain a ''Final Notice of Sale 182 package'' containing this Notice of Sale and several supporting and essential documents referenced herein, from the MMS Gulf of Mexico Region's Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF, or via the MMS Gulf of Mexico Region's Internet site at *http://www.gomr.mms.gov. Please Note:* This site may be temporarily unavailable; if so, please use a temporary Homepage until further notice: *http://www.temporarygomr.com.*

The Final Notice of Sale 182 package contains information essential to bidders, and bidders are charged with the knowledge of the documents contained in the package.

Location and Time: Public bid reading will begin at 9 a.m., Wednesday, March 20, 2002, in Grand Ballroom C (5th floor) at the Sheraton New Orleans Hotel, 500 Canal Street, New Orleans, Louisiana. All times referred to in this document are local New Orleans time.

Filing of Bids: Bidders must submit sealed bids to the Regional Director (RD), MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, between 8 a.m. and 4 p.m. on normal working days, prior to the Bid Submission Deadline of 10 a.m., Tuesday, March 19, 2002. If the bids are mailed, please mark on the envelope containing all the sealed bids the following: *Attention:* Mr. John Rodi, Contains Sealed Bids for Sale 182.

If the RD receives bids later than the time and date specified above, he will return the bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m., Tuesday, March 19, 2002. In the event of an unexpected event significantly disruptive to bid submission, such as flooding or travel restrictions, the MMS

Gulf of Mexico regional office may extend the bid submission deadline. Bidders may call (504) 736–0557 for information about the possible extension of the bid submission deadline due to such an event.

Areas Offered for Leasing: The MMS is offering for leasing all blocks and partial blocks listed in the document ''Blocks Available for Leasing in Gulf of Mexico OCS Oil and Gas Lease Sale 182'' included in the Final Notice of Sale 182 package. This list of blocks available includes certain blocks and partial blocks beyond the United States Exclusive Economic Zone in the area formerly referred to as the Northern Portion of the Western Gap. All of these blocks are shown on the following Leasing Maps and Official Protraction Diagrams (which may be purchased from the MMS Gulf of Mexico Region Public Information Unit):

Outer Continental Shelf Leasing Maps—Louisiana Map Numbers 1 through 12 (These 30 maps sell for $2.00 each.)

LA1 West Cameron Area (Revised November 1, 2000)
LA1A West Cameron Area, West Addition (Revised November 1, 2000)
LA1B West Cameron Area, South Addition (Revised November 1, 2000)
LA2 East Cameron Area (Revised November 1, 2000)
LA2A East Cameron Area, South Addition (Revised November 1, 2000)
LA3 Vermilion Area (Revised November 1, 2000)
LA3A South Marsh Island Area (Revised November 1, 2000)
LA3B Vermilion Area, South Addition (Revised November 1, 2000)
LA3C South Marsh Island Area, South Addition (Revised November 1, 2000)
LA3D South Marsh Island Area, North Addition (Revised November 1, 2000)
LA4 Eugene Island Area (Revised November 1, 2000)
LA4A Eugene Island Area, South Addition (Revised November 1, 2000)
LA5 Ship Shoal Area (Revised November 1, 2000)
LA5A Ship Shoal Area, South Addition (Revised November 1, 2000)
LA6 South Timbalier Area (Revised November 1, 2000)
LA6A South Timbalier Area, South Addition (Revised November 1, 2000)
LA6B South Pelto Area (Revised November 1, 2000)
LA6C Bay Marchand Area (Revised November 1, 2000)
LA7 Grand Isle Area (Revised November 1, 2000)
LA7A Grand Isle Area, South Addition (Revised November 1, 2000)
LA8 West Delta Area (Revised November 1, 2000)
LA8A West Delta Area, South Addition (Revised November 1, 2000)
LA9 South Pass Area (Revised November 1, 2000)
LA9A South Pass Area, South and East Addition (Revised November 1, 2000)
LA10 Main Pass Area (Revised November 1, 2000)
LA10A Main Pass Area, South and East Addition (Revised November 1, 2000)
LA10B Breton Sound Area (Revised November 1, 2000)
LA11 Chandeleur Area (Revised November 1, 2000)
LA11A Chandeleur Area, East Addition (Revised November 1, 2000)
LA12 Sabine Pass Area (Revised November 1, 2000)

Outer Continental Shelf Official Protraction Diagrams (These 10 diagrams sell for $2.00 each.)

NG15–03 Green Canyon (Revised November 1, 2000)
NG15–06 Walker Ridge (Revised November 1, 2000)
NG15–09 Amery Terrace (Revised October 25, 2000)
NG16–01 Atwater Valley (Revised November 1, 2000)
NG16–04 Lund (Revised November 1, 2000)
NG16–07 Lund South (Revised November 1, 2000)
NH15–12 Ewing Bank (Revised November 1, 2000)
NH16–04 Mobile (Revised November 1, 2000)
NH16–07 Viosca Knoll (Revised November 1, 2000)
NH16–10 Mississippi Canyon (Revised November 1, 2000)

Please Note: A CD–ROM (in ARC/INFO and Acrobat (.pdf) format) containing all of the Gulf of Mexico Leasing Maps and Official Protraction Diagrams, except for those not yet revised to digital format, is available from the MMS Gulf of Mexico Region's Public Information Unit for a price of $15.00. The Leasing Maps and Official Protraction Diagrams are also available via the Internet. *See also* 66 FR 28002, published on May 21, 2001, for the current status of all Central and Western Gulf of Mexico Leasing Maps and Official Protraction Diagrams.

All blocks are shown on these Leasing Maps and Official Protraction Diagrams. The available Federal acreage of all whole and partial blocks in this sale is shown in the document ''List of Blocks Available for Leasing, Sale 182'' included in the Final Notice of Sale 182 package. Some of these blocks may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. Information on the unleased portions of such blocks is also found in the document titled ''Central Gulf of Mexico Lease Sale 182—Unleased Split Blocks and Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease,'' included in the Final Notice of Sale 182 package.

Areas Not Available for Leasing: The following whole and partial blocks are not offered for lease in this sale:

- Blocks currently under lease;
- Mississippi Canyon Block 474, which is under consideration for use as the host location to develop several existing leases termed the ''NaKika Project'';
- Viosca Knoll Block 69 (lease termination currently under appeal);
- Blocks which are beyond the United States Exclusive Economic Zone in the area known as the Northern portion of the Eastern Gap:

Lund South (Area NG16–07)

Blocks
172 and 173
213 through 217
252 through 261
296 through 305
349

- Whole and partial blocks which are beyond the United States Exclusive Economic Zone in the area formerly known as the Northern portion of the Western Gap and which lie within the 1.4 nautical mile buffer zone north of the continental shelf boundary between the United States and Mexico:

Amery Terrace (Area NG15–09)

Partial Blocks:
235 through 238
273 through 279
309 through 317

Whole Blocks:
280 and 281
318 through 320
355 through 359

Lease Terms and Conditions: Primary lease terms, primary lease term extensions, minimum bids, annual rental rates, royalty rates, and royalty suspension areas are shown on the map titled ''Lease Terms and Economic Conditions, Sale 182, Final'' for leases resulting from this sale:

Primary Lease Terms: 5 years for blocks in water depths of less than 400 meters; 8 years for blocks in water depths of 400 to 799 meters; and 10 years for blocks in water depths of 800 meters or deeper;

Primary Lease Term Extensions: Extensions may be granted for eligible blocks in water depths less than 400 meters as specified in Notice To Lessees and Operators (NTL) 2000–G22, effective December 22, 2000;

Minimum Bids: $25 per acre or fraction thereof for blocks in water depths of less than 800 meters and

$37.50 per acre or fraction thereof for blocks in water depths of 800 meters or deeper;

Annual Rental Rates: $5 per acre or fraction thereof for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof for blocks in water depths of 200 meters or deeper, to be paid on or before the first day of each lease year until a discovery in paying quantities of oil or gas is made, then at the expiration of each lease year until the start of royalty-bearing production;

Royalty Rates: 16⅔ percent royalty rate for blocks in water depths of less than 400 meters and a 12½ percent royalty rate for blocks in water depths of 400 meters or deeper, except during periods of royalty suspension, to be paid monthly on the last day of the month following the month in which the production is obtained;

Minimum Royalty: After the start of royalty-bearing production: $5 per acre or fraction thereof per year for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof per year for blocks in water depths of 200 meters or deeper, to be paid at the expiration of each lease year;

Royalty Suspension Areas: Leases resulting from this sale are subject to royalty relief regulations in 30 CFR part 260, published in the **Federal Register** at 66 FR 11512 on February 23, 2001, and 30 CFR part 203, published at 67 FR 1862 on January 15, 2002. Royalty suspension will apply for blocks in water depths less than 200 meters where new deep gas (15,000 feet or greater subsea) is drilled and commences production within the initial primary 5-year lease term, and in water depths of 400 meters or deeper (for oil and gas); see the map titled ''Lease Terms and Economic Conditions, Sale 182, Final'' for specific areas. See the document contained within the Final Notice of Sale 182 package titled ''Royalty Suspension Provisions, Sale 182'' for the specific details regarding royalty suspension eligibility and implementation.

Stipulations: The map titled ''Stipulations and Deferred Blocks, Sale 182, Final'' depicts the blocks where six lease stipulations apply: (1) Topographic features; (2) live bottoms; (3) military areas; (4) blocks south of Baldwin County, Alabama; (5) Law of the Sea Convention Royalty Payment; and (6) marine protected species. Also shown on this map are the deferred blocks noted above. The texts of the stipulations are contained in the document ''Lease Stipulations for Oil and Gas Lease Sale 182, Final'' included in the Final Notice of Sale 182 package.

Rounding: The following procedure must be used to calculate minimum bid, rental, and minimum royalty on blocks with fractional acreage. Round up to the next whole acre and multiply by the applicable dollar amount to determine the correct minimum bid, rental, or minimum royalty.

Please Note: For the minimum bid only, if the calculation results in a decimal figure, round up to the next whole dollar amount (see next paragraph). The minimum bid calculation, including all rounding, is shown in the document ''List of Blocks Available for Leasing in Central Gulf of Mexico OCS Oil and Gas Sale 182'' included in the Final Notice of Sale 182 package.

Method of Bidding: For each block bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled ''Sealed Bid for Oil and Gas Lease Sale 182, not to be opened until 9 a.m., Wednesday, March 20, 2002.'' The total amount bid must be in a whole dollar amount; any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document ''Bid Form and Envelope'' contained in the Final Notice of Sale 182 package.

The MMS published a list of restricted joint bidders, which applies to this sale, in the **Federal Register** at 66 FR 52150, on October 12, 2001. Bidders must execute all documents in conformance with signatory authorizations on file in the MMS Gulf of Mexico Region's Adjudication Unit. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, *e.g.,* 33.33333 percent. The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders. Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including paying the ⅕ bonus on all high bids. A statement to this effect must be included on each bid (see the document ''Bid Form and Envelope'' contained in the Final Notice of Sale 182 package).

Bid Deposit: Submitters of high bids must deposit the ⅕ bonus by using electronic funds transfer procedures, following the detailed instructions contained in the document ''Instructions for Making EFT Bonus Payments'' included in the Final Notice of Sale 182 package. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury (account specified in the EFT instructions) during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

Please Note: Certain bid submitters (*i.e.,* those that do NOT currently own or operate an OCS mineral lease OR those that have ever defaulted on a ⅕ bonus payment (EFT or otherwise)) are required to guarantee (secure) their ⅕ bonus payment. For those who must secure the EFT ⅕ bonus payment, one of the following options may be used: (1) Provide a third-party guaranty; (2) amend development bond coverage; (3) provide a letter of credit; or (4) provide a lump sum payment via EFT prior to the submission of bids. The EFT instructions specify the requirements for each option.

Withdrawal of Blocks: The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids: The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless the bidder has complied with all requirements of this Notice, including the documents contained in the associated Final Notice of Sale 182 package and applicable regulations; the bid is the highest valid bid; and the amount of the bid has been determined to be adequate by the authorized officer. The Attorney General may also review the results of the lease sale prior to the acceptance of bids and issuance of leases. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and will not be considered for acceptance. To ensure that the Government receives a fair return for the conveyance of lease rights for this sale, high bids will be evaluated in accordance with MMS bid adequacy procedures. A copy of the current procedures, ''Modifications to the Bid Adequacy Procedures'' (64 FR 37560 of July 12, 1999), can be obtained from the MMS Gulf of Mexico Region's Public Information Unit via the Internet.

Successful Bidders: As required by MMS, each company that has been awarded a lease must execute all copies of the lease (Form MMS–2005 (March 1986) as amended), pay by EFT the balance of the cash bonus bid along

with the first year's annual rental for each lease issued in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR part 256, subpart I, as amended. Each bidder in a successful high bid must have on file, in the MMS Gulf of Mexico Region's Adjudication Unit, a currently valid certification (Debarment Certification Form) certifying that the bidder is not excluded from participation in primary covered transactions under Federal nonprocurement programs and activities. A certification previously provided to that office remains currently valid until new or revised information applicable to that certification becomes available. In the event of new or revised applicable information, the MMS will require a subsequent certification before lease issuance can occur. Persons submitting such certifications should review the requirements of 43 CFR, part 12, subpart D. A copy of the Debarment Certification Form is contained in the Final Notice of Sale 182 package.

Affirmative Action: The MMS *requests* that the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS–2033 (June 1985), and the Affirmative Action Representation Form, Form MMS–2032 (June 1985), be on file in the MMS Gulf of Mexico Region's Adjudication Unit prior to bidding. In any event, these forms are *required* to be on file in the MMS Gulf of Mexico Region's Adjudication Unit prior to execution of any lease contract. Bidders must also comply with the requirements of 41 CFR part 60.

Information to Lessees: The Final Notice of Sale 182 package contains a document titled ''Information to Lessees.'' These Information to Lessees items provide information on various matters of interest to potential bidders.

Notice of Bidding Systems

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the OCS Lands Act, as amended, requires that at least 30 days before any lease sale, a Notice be submitted to Congress and published in the **Federal Register**. This Notice of Bidding Systems is for Sale 182, Central Gulf of Mexico, scheduled to be held in March 2002.

In Sale 182, unleased blocks and partial blocks are being offered under a bidding system that uses a cash bonus and fixed royalty rates of 16⅔ percent for blocks in water depths of less than 400 meters and 12½ percent in water depths of 400 meters or deeper, except during periods of royalty suspension.

This bidding system is authorized under 30 CFR 260.110(a)(7), which allows use of a cash bonus bid with a royalty rate of not less than 12½ percent and with suspension of royalties for a period, volume, or value of production, and an annual rental.

Analysis performed by the MMS indicates that use of this system with the royalty suspension volumes and price thresholds specified in the Final Notice of Sale provides an incentive for development of this area while ensuring that a fair sharing of revenues will result if major discoveries are made and produced.

Specific provisions for Sale 182 are contained in the document ''Royalty Suspension Provisions, Sale 182,'' and a map titled ''Lease Terms and Economic Conditions, Sale 182, Final'' depicts blocks and applicable royalty suspension volumes. Both documents are included in the Final Notice of Sale 182 package.

The MMS expects to use these same leasing systems in OCS lease sales in the Central and Western Gulf of Mexico in the future. For these sales, the specific blocks offered under each system will be shown on the sale's ''Lease Terms and Economic Conditions'' map. The MMS will publish a new notice of leasing systems for Central and Western Gulf of Mexico sales for any sales in which different systems are used.

Dated: February 11, 2002.

Lucy Querques Denett,

Acting Director, Minerals Management Service.

[FR Doc. 02–3818 Filed 2–14–02; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

Sanction for Breach of Administrative Protective Order

AGENCY: International Trade Commission.

ACTION: Sanction for breaches of Commission administrative protective order.

SUMMARY: Notice is hereby given of the sanction imposed by the Commission for the breach of the administrative protective order (''APO'') issued in Certain Plasma Display Panels and Products Containing Same, Inv. No. 337–TA–445. The Commission determined to adopt the recommendation of the presiding administrative law judge (ALJ) that the firm of Morrison & Foerster be publically reprimanded for institutional problems at the firm in its handling of confidential business information obtained under administrative protective orders (APOs).

FOR FURTHER INFORMATION CONTACT: Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3104. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission can also be obtained by accessing its Internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 22, 2001, based on a complaint filed by the Board of Trustees of the University of Illinois of Urbana, IL, and Competitive Technologies Inc. of Fairfield, CT. The respondents named in the investigation were Fujitsu Ltd., Fujitsu General Ltd., Fujitsu General America Corp., Fujitsu Microelectronic, Inc., and Fujitsu Hitachi Plasma Display Ltd. (collectively, ''Fujitsu''). Complainants alleged that Fujitsu violated section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling within the United States after importation certain plasma display panels and products containing same that infringe certain claims of U.S. Letters Patent Nos. 4,866,349 and 5,081,400. 66 FR 6668 (Jan. 22, 2001). The Commission terminated the investigation based on the withdrawal of the complaint on July 31, 2001. 66 FR 40722. (Aug. 3, 2001).

On May 8, 2001, the presiding ALJ issued Order No. 15 imposing sanctions on Fujitsu and its attorneys for breaching the APO issued in the investigation. She also recommended that the Commission publicly reprimand the law firm that represented Fujitsu, Morrison & Forester, LLP. The Commission has adopted the ALJ's recommendation.

Attorneys at Morrison & Forester unintentionally disseminated sensitive confidential business information (CBI) belonging to complainants to seven employees of respondent Fujitsu. One of those employees actually read the CBI and further disseminated the CBI to his supervisor. The latter two employees are employed in positions in which they could use the CBI to complainants' detriment. The ALJ found that the disclosure stemmed in part from institutional problems with Morrison & Foresters' handling of CBI, as evidenced

by the fact that five Morrison & Forester attorneys were involved in the disclosure.

This is the second breach within a two year period of an APO issued in a section 337 investigation by attorneys with the firm of Morrison and Foerster. The earlier breach occurred in Inv. No. 337–TA–419, Certain Excimer Laser Systems for Vision Correction Surgery and Components Thereof and Methods for Performing Such Surgery, Inv. No. 337–TA–419, Notice of June 4, 1999.

Morrison & Foerster is very experienced in Commission practice. However, the current breach and the recent prior breach demonstrate a disturbing and unacceptable pattern of failure to safeguard information released under APO. CBI received from private parties plays an important role in Commission investigations. The Commission's ability to obtain such information depends on the confidence of the submitting parties that their confidential information will be protected.

The authority for this action is conferred by section 337(n) of the Tariff Act of 1930, 19 U.S.C. 1337(n) and by §201.15 (a) of the Commission's rules of practice and procedure (19 CFR 201.15 (a)).

By order of the Commission.

Issued: February 13, 2002.

Marilyn R. Abbott,

Acting Secretary.

[FR Doc. 02–3942 Filed 2–14–02; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under the Policy set out at 28 CFR 50.7, notice is hereby given that on January 24, 2002, a proposed Consent Decree (Decree) in *United States of America* v. *PSEG Fossil LLC,* Civil Action No. 02CV340, was lodged with the United States District Court for the District of New Jersey. This enforcement action under the Clean Air Act involves alleged violations of requirements intended to prevent the significant deterioration of air quality under the Environmental Protection Agency's ''New Source Review'' Program. The United States and the State of New Jersey sought injunctive relief and civil penalties from PSEG Fossil LLC (''PSEG''), which owns and operates the coal-fired electric generating stations known as Unit 2 of the Hudson Electricity Generating Station in Hudson County, New Jersey; Units 1 and 2 of the Mercer Electricity Generating Station in Mercer County, New Jersey; and Unit 2 of the Bergen Electricity Generating Station in Bergen County, New Jersey. The United States and New Jersey alleged that PSEG failed to comply with the requirements of the Clean Air Act at these facilities by failing to seek permits prior to making major modifications to parts of these facilities and by failing to install appropriate pollution control devices to control emissions of air pollutants—specifically, sulfur dioxide, nitrogen oxides, and particular matter—from these facilities.

The proposed Decree requires PSEG to undertake various activities at the Hudson, Mercer, and Bergen Units in order to reduce the emission of air pollutants, including the following measures: that installation and operation of state-of-the-art equipment to control PSEG's emissions of nitrogen oxides, sulfur dioxide, and particulate matter; the optimization and operation of PSEG's existing pollution control equipment; limitations on the use of certain fuels; and the surrender of certain emission allowances. The Decree also requires PSEG to undertake a series of environmentally beneficial projects, valued at $6 million, and to pay a civil penalty of $1.4 million.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and refer to *United States* v. *PSEG Fossil LLC,* DOJ Case Number 90–5–2–1–1866/1.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of New Jersey, 970 Broad Street, Newark, New Jersey 07102, and at the Region 2 office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007. A copy of the proposed Consent Decree may also be obtained by mailing a request to the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, or by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library, fax no. (202) 616–6584; phone confirmation no. (202) 514–1547. In requesting a copy, please reference *United States* v. *PSEG Fossil LLC,* DOJ Case Number 90–5–2–1–1866/1, and enclose a check in the amount of $17.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

W. Benjamin Fisherow,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–3803 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree; Corrected Notice

In accordance with Department Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Specialty Minerals, Inc., Thomas Foley, Jr. and Dorothy K. Foley*, Civil Action No. 3:01CV1853 (RNC) (D. Conn.), was lodged with the United States District Court for the District of Connecticut on October 3, 2001. This notice corrects an inadvertent error in the notice published on January 7, 2002, at 67 FR 758. That Notice improperly referred to the property owner as ''John J. Foley, Jr.,'' instead of Thomas Foley, Jr. This proposed Consent Decree concerns a complaint filed by the United States against Specialty Minerals, Inc., Thomas Foley, Jr. and Dorothy K. Foley, pursuant to Sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. 1311(a) and 1344, and imposes civil penalties against Defendant, Specialty Minerals, Inc., for the unauthorized discharge of dredged or fill material into waters of the United States located in wetlands adjacent to a tributary of Blackberry River, located in North Canaan, Connecticut.

The proposed Consent Decree requires the payment of civil penalties, in addition to the performance of onsite mitigation and partial restoration at the site of the violation.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Brenda M. Green, Assistant United States Attorney, United States Attorney's Office, 157 Church Street, 23rd Floor, New Haven, Connecticut 06510 and refer to *United States* v. *Specialty Minerals, Inc., Thomas Foley, Jr. and Dorothy K. Foley,* DJ #90–5–1–1–05702.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of

Connecticut, 141 Church Street, New Haven, Connecticut, 06510.

Brenda M. Green,

Assistant U.S. Attorney, U.S. Attorney's Office.

[FR Doc. 02–3802 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. 01–01696 GK]

Public Comments and Response on Proposed Final Judgment in United States v. Premdor Inc., et al.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States of America hereby publishes below the comment received on the proposed Final Judgment in *United States* v. *Premdor Inc., et al,* Civil Action No. 01–01696 GK, filed in the United States District Court for the District of Columbia, together with the United States' response to the comment.

Copies of the comment and response are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington, DC 20530, Telephone: (202) 514–2481, and at the office of the Clerk of the United States District Court for the District of Columbia, E. Barrett Prettyman United States Courthouse, Room 1225, 333 Constitution Avenue, NW., Washington, DC 20001. Copies of any of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,

Director of Operations and Merger Enforcement.

United States of America, 1401 H Street, NW., Suite 3000, Washington, DC 20530, Plaintiff, v. Premdor Inc., 1600 Britannia Road East, Mississauga, Ontario, Canada L4W 1J2, Premdor U.S. Holdings, Inc., One North Dale Mabry Highway, Suite 950, Tampa, Florida 33609, International Paper Company, 400 Atlantic Street, Stamford, Connecticut 06921, and Masonite Corporation, 1 South Wacker Drive, Chicago, Illinois 60606, Defendants.

Plaintiff's Response to Public Comment

The United States, pursuant to the Antitrust Procedures and Penalties Act (''APPA''), 15 U.S.C. 16(b)–(h), hereby responds to the single public comment received, attached hereto as Exhibit A, regarding the proposed Final Judgment in this case.

I. Background

On August 3, 2001, the United States filed a Complaint alleging that the proposed acquisition of the Masonite business of International Paper Company (''IP'') by Premdor Inc. (''Premdor'') would substantially lessen competition in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18. The Complaint alleges that Premdor and IP, through its subsidiary Masonite Corporation (''Masonite''), are two of the three largest firms involved in the production of interior molded doors. As alleged in the Complaint, the transaction will substantially lessen competition in the development, manufacture and sale of interior molded doorskins and interior molded doors in the United States, thereby harming consumers. Accordingly, the Complaint seeks among other things: (1) A judgment that the proposed acquisition would violate Section 7 of the Clayton Act; and (2) permanent injunctive relief that would prevent defendants from carrying out the acquisition or otherwise combining their businesses or assets.

At the same time the Complaint was filed, the United States also filed a proposed, stipulated Final Judgment and Hold Separate Stipulation and Order that would permit Premdor to acquire the Masonite business, provided that Premdor divests its Towanda, Pennsylvania doorskin manufacturing facility, along with intellectual property, research capabilities and other assets needed to be a viable doorskin manufacturer. The proposed Final Judgment orders defendants to divest the Towanda facility to an acquirer approved by the United States. Defendants must complete the divestiture within 150 calendar days after the filing of the Complaint in this matter, or within 120 calendar days after the closing of Premdor's acquisition of the Masonite business, whichever is earlier. If defendants do not complete the divestiture within the prescribed time, then, under the terms of the proposed Final Judgment, this Court will appoint a trustee to sell the Towanda facility.

The Hold Separate Stipulation and Order and the proposed Final Judgment require defendants to preserve, maintain and continue to operate the North American operations of the Masonite business as an independent, ongoing, economically viable competitive business, with the management, sales and operations held separate from Premdor's other operations. The Hold Separate Stipulation and Order allows the defendants to submit to the United States a plan for partitioning the Towanda facility from the remainder of Masonite's North American operations. The United States has approved defendants' partition plan, and in accord with the Hold separate Stipulation and Order, Premdor now controls all of Masonite's North American operations other that the Towanda facility and other partitioned assets. The partitioned assets will continue to be held separate until they are divested to a suitable acquirer.

The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. In compliance with the APPA, the United States filed the Competitive Impact Statement (''CIS'') on August 3, 2001. The Complaint, proposed Final Judgment and the CIS were published in the **Federal Register** on August 28, 2001. The 60 day comment period required by the APPA expired with the United States having received only one public comment, from Lifetime Doors, Inc. In light of the recent disruption to mail delivery, the United States published a supplemental notice in the **Federal Register** on Dec. 21, 2001, and in the Washington Post from December 19, 2001 to December 25, 2001. The supplemental notice extended the comment period required by the APPA by fifteen days. The fifteen day supplemental comment period has now expired with the United States having received no additional public comments.

II. Response to the Public Comment

A. Legal Standard Governing the Court's Public Interest Determination

The Tunney Act directs the Court to determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e). In making that determination, the ''court's function is not to determine whether the resulting array of rights and liabilities is one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.'' United States v. Western Elec. Co., 993 F.2d 1572, 1576 (D.C. Cir.), cert. denied, 510 U.S. 984 (1993). The Court should evaluate the relief set forth in the proposed Final judgment and should enter the Judgment if it falls within the government's ''rather broad discretion to settle with the defendant within the reaches of the public interest.'' United States v. Microsoft Corp., 56 F.3d 1448, 1461 (D.C. Cir. 1995); accord United States v. Associated Milk Producers, 534 F.2d 113, 117–18 (8th Cir.), cert. denied, 429 U.S. 940 (1976). The Court should review the proposed Final Judgment ''in light of the violations charged in the complaint and * * * withhold approval only (a) if any of the terms appear

ambiguous, (b) if the enforcement mechanism is inadequate, (c) if third parties will be positively injured, or (d) if the decree otherwise makes a 'mockery of judicial power.' '' Massachusetts Sch. of Law at Andover, Inc. v. United States, 118F.3d 776, 783 (D.C. Cir. 1997) (quoting Microsoft, 56 F.3d at 1462). The Tunney Act does not empower the Court to reject the remedies in the proposed Final Judgment based on the belief that ''other remedies were preferable'' Microsoft, 56 F.3d at 1460, nor does it give the Court authority to impose different terms on the parties. *See, e.g.,* United States v. American Tel. & Tel. Co., 552 F. Supp. 131, 153 n.95 (D.D.C. 1982) (''AT&T''), aff'd sub nom. Maryland v. United States, 460 U.S. 1001 (1983) (mem.); accord H.R. Rep. No. 93–1463, at 8 (1974).

B. Response to Lifetime Doors, Inc.

Lifetime Doors, Inc. (''Lifetime'') urges the United States to rescind the proposed Final Judgment and move to block Premdor's acquisition of Masonite's doorskin business. Lifetime argues that the proposed Final Judgment, in its present form, fails to guarantee a viable buyer for the divested assets, and allows for irreparable damage to the market while Premdor seeks a buyer for the Towanda facility. In the alternative, Lifetime argues that the proposed Final Judgment is inadequate because it does not require the buyer of the Towanda facility to produce the exact line of products that was available before Premdor acquired Masonite.

The United States has considered Lifetime's concerns, but remains convinced that the proposed Final Judgment is in the public interest. Before the divestiture is complete, the Hold Separate Stipulation ensures that the Towanda facility will be operated as an independent and viable economic entity, and in the judgment of the Monitoring Trustee and the United States. Premdor has fulfilled its obligations to date. While there is no guarantee that a viable purchaser will be found for the Towanda facility, Premdor has taken all appropriate steps to locate an acceptable purchaser. See Report to U.S. District Court for the District of Columbia and Department of Justice on Premdor and Masonite Compliance with Court Ordered Consent Decree, submitted by Accenture, filed November 2, 2001. Moreover, there is no evidence that the sale of Masonite to Premdor, and the subsequent partition of the Towanda facility from the remainder of Masonite, has in fact resulted in ''damage to the market,'' as feared by Lifetime.

Lifetime also urges that the purchaser of the Towanda facility be forced to sell ''all product designs and sizes currently produced by Masonite'' to independent door manufacturers. Lifetime acknowledges that Premdor is required to make all current designs and sizes of molded door skins available to the purchaser of the Towanda facility, but still fears that all designs will not be purchased by the ultimate owner of Towanda, and that the lack of a full line will harm independent door manufacturers. The United States disagrees with the comment. The eventual owner of the Towanda facility will have the incentive to determine the most profitable product line to offer door manufacturers, and further, will have every incentive to ensure the profitable continuation of the independent door manufacturers, its likely largest customer base. If the purchaser of Towanda fails to offer a certain design or color of doorskin to its customers, despite having access to the full means of production for that model, the United States presumes that the market mechanism will ensure that consumers' interests are adequately protected.

III. Conclusion

After careful consideration of the comment, the United States concludes that entry of the proposed Final Judgment will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint and is in the public interest. The United States will move the Court to enter the proposed Final Judgment after the public comments and this Response have been published in the **Federal Register,** as 15 U.S.C. 16(d) requires.

Dated: January 23, 2002, Washington, DC.

Respectfully submitted,

Karen Y. Douglas, Joseph M. Miller (DC Bar 439965),

Attorneys, U.S. Department of Justice, Antitrust Division, Litigation II Section, 1401 H Street, NW., Suite 4000, Washington, DC 20530, 202–305–4762.

Certificate of Service

I hereby certify that I served a copy of the foregoing Response to Public Comment via First Class United States Mail and facsimile transmission, this 23d day of January 2002, on:

Counsel for International Paper, James R. Loftis, III, Esq., Gibson, Dunn & Crutcher LLP, 1050 Connecticut Avenue, NW., Washington, DC 20036.

Counsel for Premdor Inc. and Masonite Corporation, Keith Shugarman, Esq., Goodwin, Procter, LLP, 1717 Pennsylvania Avenue, NW., Washington, DC 20006.

Karen Y. Douglas,

Attorney, U.S. Department of Justice, Antitrust Division, 1401 H Street, NW., Suite 3000, Washington, DC 20530, (202) 305–4762.

August 30, 2001.

Mr. J. Robert Kramer, II., Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, N.W., Suite 3000, Washington D.C. 20530.

Re: Premdor Acquisition of Masonite

Dear Mr. Kramer: This letter shall serve as our response to the Complaint in the matter of United States of America v. Premdor, Inc., et. al. filed with the United States District Court for the District of Columbia on August 3, 2001 and the Competitive Impact Statement and proposed Final Judgment.

It has been the position of Lifetime Doors, Inc. that the sale of Masonite Corporation to Premdor, Inc. would pose a serious threat to competition in the wood door industry. We have stressed that the divestiture of a part of the Masonite operation would also result in significant and irreparable damage to the competitive marketplace for molded doors, and seriously affect the wood door industry as a whole. After reviewing the Complaint and proposed Final Judgment, our position remains unchanged.

While we remain doubtful that Premdor will find a viable purchaser for Towanda, we remain more doubtful that should it find a purchaser, that the purchaser will be in a position to compete with the two vertically integrated companies. Given that the stated purpose of the Final Judgment is to ''require defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint'' (page 2), the Consent Decree, Hold Separate Stipulation and Order, and the Final Judgment fail as a remedy, in that:

1. There is not a provision for the possibility that neither Premdor, nor the Department of Justice can guarantee that a viable buyer for the ''Towanda facility'' will be found;

2. In the event no buyer is found, there is not a means to undo the damage already done to lessen competition (as alleged in the Complaint) while attempting to identify a buyer.

For divestiture (including partition) to be an effective remedy to insure that Premdor's acquisition of Masonite does not lessen competition, it must be a pre-closure, not post-closure remedy. Under no circumstance should divestiture (including partition) of Masonite's North American Molded Doorskin Business take place until such time as a viable buyer for the ''Towanda Facility'' is identified and in place.

For these reasons we urge in the strongest possible terms that the Department of Justice rescind this Judgment, and move to block the Premdor acquisition of the Masonite Molded Doorskin business.

Should the Department of Justice not block the acquisition and should the Final Judgement be approved by the court, it is absolutely necessary in order for the non-

integrated companies to compete, that all product designs and sizes currently produced by Masonite be made available. To the extent that given product designs or sizes are not available to the non-vertically integrated companies, the two vertically integrated companies will have a material and significant advantage over the independent non-vertically integrated door manufacturers. The downstream customers of the wood door manufacturers are of a single mind in that all products must be available for purchase from a door manufacturer for that manufacturer to be a viable line of supply. If any product, no matter how insignificant in terms of its numbers or percentage, is unavailable, it will cause the downstream buyer to go to a manufacturer that has all required products available for purchase. No buyer will change its buying pattern by going elsewhere to find 15 doors of a unique design or size for a special order, as opposed to including the special order as part of the normal full truckload (1080 door) order, assuming the entire order can be purchased from a single source.

Unless the Towanda plant is able to provide all designs and all sizes of molded panel doorskins, it is likely that our customers will look to do business with either Premdor, Inc. or Jeld-wen, the only two molded panel doorskin manufacturers with a full line of designs and sizes. These two companies, if Premdor, Inc. acquires Masonite Corporation, will be the only vertically integrated door manufacturers. As such they will certainly have the capability of coordination with regard to doorskins and doors to the detriment of the non-vertically integrated companies and the marketplace in general. Further, for those distributors and users who require the Masonite product, Premdor, Inc. will hold a monopoly in regard to designs and sizes not available to non-vertically integrated manufacturers (Complaint, paragraph 35).

At the present time Masonite's Laurel, Mississippi plant produces eleven (11) product designs, eighty-nine (89) product sizes and the Craftcore profiled core that its Towanda, Pennsylvania facility is not able to produce. While the Competitive Impact Statement leads the reader to believe that Premdor will divest assets, including the Towanda plant, intellectual property, dies necessary to manufacture all designs and sizes of molded door skins, and services to operate the facility, there is no assurance contained in the Final Judgment that the acquirer will purchase the additional dies necessary to produce all products currently available through Masonite Corporation. In fact, the acquirer is not required to make all products nor is Premdor required to provide all product dies at the time of sale of the Towanda facility.

It is also erroneous to assume that price alone is a determining factor (Complaint, paragraph 28). In fact, even if we are able to sell the most commonly used designs and sizes of molded panel doors at a lesser price (even a significantly lesser price) we could not compete with the manufacturer that is able to provide all designs and all product sizes. By the Justice Department's own admission, the lack of all sizes and designs has been a significant deterrent to entry into the U.S. market by off-shore molded panel doorskin manufactures (Complaint, paragraph 26). The lack of a full line (all sizes and designs) would serve as the same deterrent to any entity that may acquire and attempt to operate the Towanda plant, and to any non-integrated manufacturer attempting to compete with a vertically integrated manufacturer.

Since downstream door buyers frequently treat doors as a commodity and often switch purchases from one manufacturer to another, the two year constraint placed on the defendants in the Final Judgment will do no more than postpone the opportunities for coordination by the two vertically integrated companies thereby creating the exact monopolistic marketplace described by the Department of Justice in the Competitive Impact Statement.

Further, the Final Judgment fails to insure continued free competition as it presently exists, and thereby fails as a satisfactory remedy, because: it does not guarantee the non-vertically integrated companies with a source for all items presently produced by Masonite; Premdor, Inc. is not required to make available all items to the non-integrated companies; and the Department of Justice cannot force Premdor to sell those items produced in Laurel to the non-integrated companies.

The Final Judgment in its present form is anti-competitive because it: (1) forces a buyer to go to a different supplier to obtain the full range of products necessary to meet its needs; (2) harms a buyer by positioning a vertically integrated manufacturer in a manner that would allow that manufacturer to charge more for a product because it is not available through a non-vertically integrated manufacturer; (3) harms a buyer by establishing an environment conducive to coordination between the vertically integrated manufacturers based on Premdor's access to designs and/or sizes presently available from Masonite that will not be available to the non-vertically integrated manufacturers (Complaint, paragraph 39).

For these reasons we again urge that the Department of Justice rescind this Judgment, and move to block the Premdor acquisition of the Masonite Molded Doorskin business, including the post acquisition divestiture of the Towanda facility.

Respectfully yours,

James K. Mitchell,

Vice President Administration.

[FR Doc. 02–3804 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993—The Digital Subscriber Line Forum

Notice is hereby given that, on July 24, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Digital Subscriber Line Forum (''DSL'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, BABT, Santa Clara, CA; BATM, Rosh Ha'ayin, ISRAEL; Institute for Information Industry (III), Taipei, TAIWAN; OPASTCO, Washington, DC; Realtek Semiconductors, Hsinchu, TAIWAN; Aspex Technology, Mountain View, CA; DV Tel, Inc., Totowa, NJ; Partner Voxtream, Vojens, DENMARK; Telefonica Investigacion y Desarrollo, Madrid, SPAIN; Maxxio Technologies, Vienna, AUSTRIA; Motive Communications, Austin, TX; Exigen Group, Saint John, New Brunswick, CANADA; Communication Authority, Budapest, HUNGARY; Tioga Technologies, Tel Aviv, ISRAEL; and sentitO Networks, Rockville, MD, have been added as parties to this venture.

Also, CooperCom, Santa Clara, CA; iBeam Broadcasting, Sunnyvale, CA; Pivotech Systems, Piscataway, NJ; CS Telecom, Fontenay-Aux-Roses, FRANCE; Fuzion Wireless Communications, Boca Raton, FL; Accelerated Networks, Moorpark, CA; Tripath Technology, Santa Clara, CA; and Eurobell PLC, Crawley, West Sussex, UNITED KINGDOM, have been dropped as parties to this venture.

In addition, Netcom Systems, Chatsworth, CA, has been acquired by Spirent Communications, Nepean, Ontario, CANADA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DSL intends to file additional written notifications disclosing all changes in membership.

On May 15, 1995, DSL filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 25, 1995 (60 FR 38058).

The last notification was filed with the Department on April 17, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 1, 2001 (66 FR 29834).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–3718 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Inter Company Collaboration for AIDS Drug Development

Notice is hereby given that, on November 8, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Inter Company Collaboration for AIDS Drug Development has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, AstraZeneca PLC, London, UNITED KINGDOM; and Sigma-Tau S.p.A., Rome, ITALY are no longer parties to this venture. Although there are no other changes in the membership, collaboration member Bristol-Myers Squibb Company has acquired collaboration member DuPont Pharmaceuticals Company.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Inter Company Collaboration for AIDS Drug Development intends to file additional written notification disclosing all changes in membership.

On May 27, 1993, Inter Company Collaboration for AIDS Drug Development filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 6, 1993 (58 FR 36223).

The last notification was filed with the Department on March 6, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 1, 2001 (66 FR 29835–02).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–3720 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993—National Electronics Manufacturing Initiative, Inc. (''NEMI'')

Notice is hereby given that, on November 7, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Electronics Manufacturing Initiative, Inc. (''NEMI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advanced Micro Devices, Inc. (AMD), Sunnyvale, CA; Agilent Technologies, Inc., Andover, MA; CALNET, Vienna, VA; Gouvernement du Quebec Ministere de l'Industrie et du Commerce, Montreal, Quebec, CANADA; Hewlett-Packard Company, Palo Alto, CA; iManage, Inc., San Mateo, CA; and KIC Thermal Profiling, San Diego, CA have been added as parties to this venture. Also, CTS Corporation, Elkhart, IN; and DARPA, Arlington, VA have been dropped as parties to this venture.

The following members were involved in acquisitions: Loctite Corporation, Industry, CA acquired Dexter, Rocky Hill, CT; Peregrine Systems, Inc., Belmont, CA acquired Extricity, Inc., Belmont, CA; IONA Technologies, Santa Clara, CA acquired Netfish Technologies, Santa Clara, CA; and Teradyne, Inc., Westford, MA acquired Gen Rad, Inc., Boston, MA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NEMI intends to file additional written notification disclosing all changes in membership.

On June 6, 1996, NEMI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 28, 1996 (61 FR 33774).

The last notification was filed with the Department on November 29, 2000. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 20, 2001 (66 FR 15758).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–3719 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Optical Internetworking Forum (''OIF'')

Notice is hereby given that, on October 3, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Optical Internetworking Forum (''OIF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, STMicroelectronics, Nepean, Ontario, Canada; Matsushita Communication Industrial, Yokohama, Kanagawa, Japan; Wipro, Bangalore, Karnataka, India; ADVA Optical Networking, Berlin, Germany; Future Communications Software, San Jose, CA; Norlight Telecommunications, Brookfield, WI; Hughes Software Systems Ltd., Gurgaon, Haryana, India; Intelligent Telecom, Daedok-gu, Taejon, Republic of Korea; Vectron International, Hudson, NH; Marvell Technology, Moshav Manof, Israel; Zaiq Technologies, Woburn, MA; Sonera Carrier Networks Ltd., Oulu, Finland; Tiburon Networks, Andover, MA; API Networks, Inc., Concord, MA; Cognigine, Freemont, CA; NOVILIT, Marlborough, MA; GMD, Sankt Augustin, Germany; Kawasaki LSI, San Jose, CA; Multiplex, South Plainfield, NJ; Acelo Semiconductor, Oxnard, CA; Nakra Labs, North Andover, MA; Sky Optix, Red Bank, NJ; Advantest America, Beaverton, OR; ITSD, Ministry of Management Services, Victoria, British Columbia, Canada; Modelware, Red Bank, NJ; Ixia, Calabasas, CA; Alliance Communications USA, Tamiment, PA; Entrada Networks, Inc., San Diego, CA; InterOptical, Inc., Saratoga, CA; National Semiconductor, Santa Clara, CA; Virata Corporation, Cambridge, Cambridgeshire, United Kingdom; Data Connection, Enfiend, Middlesex, United Kingdom; TRW,

Redondo Beach, CA; BellSouth Telecommunications, Atlanta, GA; BT, Ipswich, Suffolk, United Kingdom; Hi/fn, Los Gatos, CA; Japan Telecom, Tokyo, Japan; New Focus, San Jose, CA; Riverstone Networks, Santa Clara, CA; ZettaCom, Santa Clara, CA; Foundry Networks, San Jose, CA; Gennum Corporation, Burlington, Ontario, Canada; Raza Foundries, San Jose, CA; RF Micro Devices, Billerica, MA; Actel, Sunnyvale, CA; OpNext, Yokohama, Japan; El Paso Networks, Houston, TX; Fiberhome Telecommunications, Wuhan, People's Republic of China; ZTE Corporation, Shenzhen, People's Republic of China; NetTest, Markham, Ontario, Canada; SDL, Palo Alto, CA; Amkor Technology, Chandler, AZ; Lara Networks, San Jose, CA; NEL America, Inc., Yokohama, Japan; CIR, Charlottesville, VA; Entridia, Irvine, CA; Emperative, Boulder, CO; Accelight Networks, Warrendale, PA; Intelliden, Colorado Springs, CO; Allegro Networks, San Jose, CA; Jennic, Sheffield, Yorkshire, United Kingdom; Jedai Broadband Networks, Red Banks, NJ; Inphi, Westlake Village, CA; Internet Machines, Agoura Hills, CA; Aralight, Jamesburg, NJ; Gemfire, Palo Alto, CA; Village Networks, Edtontown, NJ; Parama Networks, San Jose, CA; Phyworks, Bristol, Avon, United Kingdom; PacketLight Networks, Round Rock, TX; Bit Blitz Communications, Milpitas, CA; NurLogic Design, San Diego, CA; All Optical Networks, Inc., San Diego, CA; Wavium AB, Stockholm, Sweden; Syntera Communications, Fremont, CA; Mintera, Lowell, MA; T–Networks, Inc., Allentown, PA; Photonami, Inc., Toronto, Ontario, Canada; SiOptic Networks, Inc., San Jose, CA; West Bay Semiconductor, Vancouver, British Columbia, Canada; Blueleaf Networks, Sunnyvale, CA; MindTree Consulting Pvt. Ltd., Bangalore, Karnataka, India; Xelerated Packet Devices, Stockholm, Sweden; Movaz Networks, Inc., Nepean, Ontario, Canada; Polaris Networks, Inc., San Jose, CA; Sililcon Packets, Inc., San Jose, CA; Intune Technologies, Ltd, Dublin, Ireland; Power X Networks, Sale, Cheshire, United Kingdom; Tropic Networks, Inc., Andover, MA; Sierra Monolithics, Redondo Beach, CA; Radiant Photonics, Inc., Austin, TX; Alphion, Eatontown, NJ; Santur, Fremont, CA; Helic S.A., Alimos, Athens, Greece; GigaTera, Dietikon, Switzerland; CoreOptics, Nuenberg, Germany; RedClover Networks, Palo Alto, CA: Kirana Networks, Red Bank, NJ; GWS Photonics, Philadelphia, PA; Lumentis, Haagersten, Sweden; TriCN San Francisco, CA; TelOptica, Richardson, TX; Paracer, Santa Clara, CA; net Brahma Technologies, Bangalore, Karnataka, India; StartaLight Communications, Mountain View, CA; Xlight Photonics, Tel Aviv, Israel; Kodeos Communications, South Plainfield, NJ; Dowslake Microsystems, Santa Clara, CA; CIVCOM, Petach-Tikva, Israel; Applice Optoelectronics, Sugar Land, TX; QOptics, New York, NY; VSK Photonics, Irvine, CA; Optillion, Kista, Sweden; Galazar Networks, Nepean, Ontario, Canada; Blue Sky Research, Milpitas, CA; Peta Switch Solutions, Santa Clara, CA; Efficient Channel Coding, Brooklyn Hts, OH; Bitmath, Fremont, CA; Corona Optical Systems, Lombard, IL; Clearwater Networks, Los Gatos, CA; Zepton Networks, Cupertino, CA; Silicon Bridge, Fremont, CA; Dorsal Networks, Columbia, MD; Coherent Telecom, San Jose, CA; Aeluros, Palo Alto, CA; Zagros Networks, Rockville, MD; Interoute, London, England, United Kingdom; XLOptics, Santa Clara, CA; Integral Access, Chelmsford, MA; Celox Networks, Hudson, MA; Genoa, Fremont, CA; Ntechra, San Jose, CA; TeraOp, Lod, Israel; Zenfinity, Iselin, NJ; Sphera Optical Networks, New York, NY; G2 Networks, Monterey, CA; Ilotron, West Malling, Kent, England, United Kingdom; Cognet Microsystems, Los Angeles, CA; Looking Glass Networks, Addison, TX; Sahasra Networks, Palo Alto, CA; and Internet Photonics, Shrewsbury, NJ have been added as parties to this venture.

Also, Microsoft Corporation, Redmond, WA; Telefonica de Espana, Madrid, Spain; Virtual Photonics, San Francisco, CA; Allayer Communications, San Jose, CA; Powercom, Hellerup, Denmark; Japan Direx, Tokyo, Japan; Micrel-Synergy Semiconductor, Santa Clara; CA; Linear Technology, Milpitas, CA; Alliance Communications USA, Tamiment, PA; InterOptical, Inc., Saratoga, CA; Entrada Networks, Inc., San Diego, CA; Transwitch Corporation, Shelton, CT; Amkor Technology, Chandler, AZ; Artel Video Systems, Marlboro, MA; Enron Broadband Services, Portland, OR; Level 3 Communications, Louisville, KY; ZTE Corporation, Shenzhen, Nanshan, People's Republic of China; NetTest, Markham, Ontario, Canada; LANCAST, Nashua, NH; Scientific Atlanta, Lawrenceville, GA; ON Semiconductor, Phoenix, AZ; Stratos Lightwave, Chicago, IL; Net Insight, Stockholm, Sweden; Axsun Technologies, Billercia, MA; China Advanced Info-Optical Network, Beijing, People's Republic of China; Dynarc, Kista, Sweden; Equipe Communications, Westford, MA; Luminous Networks, San Jose, CA; Nanovation, Miami, FL; Santec Corporation, Komaki, Aichi, Japan; SpectraSwitch, Santa Rosa, CA; TELE–WORX, Garland, TX; YAFO Networks, Columbia, MD; IronBridge Networks, Lexington, MA; Mayan Networks, San Jose, CA; AdventNet, San Jose, CA; Gotham Networks, Acton, MA; Cidra, Wallingford, CT; IPOptical, Herndon, VA; Native Networks, Petah, Tikva, Israel; ConnectCom MicroSystems, Irvine, CA; Terawave Communications, Hayward, CA; Seneca Networks, Rockville, MD; Fast-Chip, Los Altos, CA; Point Reyes Networks, San Jose, CA; Chorum Technologies, Richardson, TX; Celox Networks, South Borough, MA; Information Management Systems, Atlanta, GA; Luxcore, Atlanta, GA; Panstera, San Jose, CA; Kromos Technology, Los Altos, CA; Reversi Networks, Sunnyvale, CA; Dark Matter Network Technologies, Natick, MA; Corrigent Systems, San Francisco, CA; DigiLens, Sunnyvale, CA; nSerial, Santa Clara, CA; Ntechra, San Jose, CA; TeraOp, Lod, Israel; Zenfinity, Iselin, NJ; Sphera Optical Networks, New York, NY; G2 Networks, Monterey, CA; Ilotron, West Malling, Kent, United Kingdom; Looking Glass Networks, Addison, TX; Azanda Network Devices, Sunnyvale, CA; Sahasra Networks, Palo Alto, CA; and Internet Photonics, Shrewsbury, NJ have been dropped as parties to this venture.

The following members have changed their names: ID Inc. to Blueleaf Networks, Sunnyvale, CA; ECI Telecom to LightScape Networks, Petah, Tikva, Israel; Mitel Semiconductor to Zarlink Semiconductor, Kanata, Ontario, Canada; Focused Research to New Focus, Santa Clara, CA; CSELT to TILAB S.p.A, Torino, Italy; Xstream Logic, Inc. to Clearwater Networks, Los Gatos, CA; Wavetek Wandel Goltermann to Acterna, Germantown, MD; Versanetworks to Azanda Network Devices, Sunnyvale, CA; Ditech Communications to Altamar Networks, Mountain View, CA; GTS Network Systems to EBONE, Hoeilaart, Belgium; KDD R&D Laboratories to KDDI R&D Laboratories, Kamifukuoka, Saitama, Japan; Tyco Submarine Systems to TyCom, Eatontown, NJ; Chip2Chip to Velio Communications, Milpitas, CA; Maple Networks to Maple Optical Systems, San Jose, CA; CoreEl Microsystems to Paxonet Communications, Fremont, CA; Roshnee Corporation to Inara Networks, San Jose, CA; National Security Agency, U.S. Dept. of Defense, to Department of Defense, Ft. Meade, MD; Bravida Corporation to Bravara, Palo Alto, CA;

Princeton Networks to Princeton Optical Systems, San Jose, CA; Princeton Optical Systms to FirstWave Intelligent Optical Networks, San Jose, CA; Mannesmann Arcor AG & Co. to Arcor AG & Co., Eschborn, Germany; Transparent Optical to Transparent Networks, Santa Clara, CA; Continuum Networks to Intelliden, Colorado Springs, CO; Avagodro to Inphi, Westlake Village, CA; Clifton Microsystem to Phyworks, Bristol, Avon, United Kingdom; Galileo Technology to Marvell Technology, Moshav, Manof, Israel; ASIC-Alliance to Zaig Technologies, Woburn, MA; TriCN Associates, LLC to TriCN, San Francisco, CA; BTT (Broadband Transport Technologies) to Acelo Semiconductor, Oxnard, CA; Solidum Systems Corporation to Solidum, Ottawa, Ontario, Canada and GN Nettest to NetTest, Markham, Ontario, Canada.

The following members have been involved with mergers: LightLogic, Santa Clara, CA merged with Intel, Thousand Oaks, CA; Zaffire, San Jose, CA merged with Centerpoint Broadband Technologies, San Jose, CA; NewPort Communications, Irvine, CA merged with Broadcom Corporation, San Jose, CA; Net-Hopper Systems, Norcross, GA merged with Spirent, Honolulu, HI; Cyras Systems, Linthicum, MD merged with Ciena, Fremont, CA; NetPlane, Dedham, MA merged with Conexant, San Diego, CA; Amber Networks, Santa Clara, CA merged with Nokia, Petaluma, CA; SDL, Santa Clara, CA merged with JDS Uniphase, Bloomfield, CT; Lara Networks, San Jose, CA merged with Cypress Semiconductor, San Jose, CA; Cognet Microsystems, Los Angeles, CA merged with Intel, Thousand Oaks, CA; Versatile Optical Networks, Inc., San Jose, CA merged with Vitesse Semiconductor, Salem, NH; and NEL American, Inc., Saddle Brook, NJ merged with NTT, Tokyo, Japan.

Centillium Communications, Fremont, CA; PhotonEx, Bedford, MA; Geyser Networks, Sunnyvale, CA; Hyperchip, Montreal, Quebec, Canada; VIPswith, Brossard, Quebec, Canada; Jedai Broadband Networks, Red Banks, NJ; and Free Electron Technology, Brewster, NY changed from auditing to small principal members. LSI Logic, Milpitas, CA; Philips Semiconductors, Tempe, AZ; and Maxim Integrated Products, Hillsborough, OR changed from auditing to principal members.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Optical Internetworking Forum (''OIF'') intends to file additional written notification disclosing all changes in membership.

On October 5, 1998, Optical Internetworking Forum (''OIF'') filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 29, 1999 (64 FR 4709).

The last notification was filed with the Department on March 2, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 17, 2000 (65 FR 50219).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–3805 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP(OJP)–1346C]

The Serious and Violent Offender Reentry Initiative

AGENCY: Office of Justice Programs (OJP), Justice (DOJ) in partnership with Department of Health and Human Services (HHS), Department of Labor (DOL), Department of Education (ED), Department of Housing and Urban Development (HUD), and National Institute of Corrections (NIC), an agency of DOJ.

ACTION: Correction to notice of funding availability.

SUMMARY: This document provides the corrected information regarding how applications are to be submitted for the Serious and Violent Offender Reentry Initiative, which was first published in the **Federal Register** on January 30, 2002 at 67 FR 4645. Applications for this Initiative will only be accepted online using the U.S. Department of Justice, Office of Justice Programs' Grant Management System (GMS). Directions for applying online are included in the solicitation. For applicants without internet access, OJP encourages the use of public library terminals and access provided by copy centers and similar businesses.

FOR FURTHER INFORMATION CONTACT: The U.S. Department of Justice Response Center at 1–800–421–6770 or visit the Reentry Web site at *http://www.ojp.usdoj.gov/reentry/funding.htm.*

SUPPLEMENTARY INFORMATION: The Serious and Violent Offender Reentry Initiative is a collaborative and comprehensive grant program designed to address the issues related to serious, high-risk offenders (adults and juveniles) who are to be released and who have been released from correctional facilities and are returning to communities nationwide. The program aims to reduce recidivism by these returning offenders and thereby, enhance community safety.

Dated: February 12, 2002.

Deborah J. Daniels,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 02–3785 Filed 2–14–02; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that

section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modification and supersedeas thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

None

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage determinations Issued Under the Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov)of* the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 5th day of February, 2002.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 02–3460 Filed 2–14–02; 8:45 am]

BILLING CODE 4510–27–M

LEGAL SERVICES CORPORATION

LSC Regulations Review

AGENCY: Legal Services Corporation.

ACTION: Final Report of the LSC Regulations Review Task Force—Notice of Availability.

SUMMARY: As part of its ongoing efforts to improve the administration of regulatory programs and requirements, Legal Services Corporation is providing notice of the availability of the Final Report of the LSC Regulations Review Task Force. The Final Report is intended to be used toward the development of a regulatory agenda for 2002 and beyond.

FOR FURTHER INFORMATION CONTACT: Mattie C. Condray, Senior Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 750 First Street, NE, Washington, DC 20002–4250; 202/336–8817 (phone); 202/336–8952 (fax); *mcondray@lsc.gov.*

SUPPLEMENTARY INFORMATION: LSC is issuing this notice to advise the public of the availability of the LSC Regulations Review Task Force Final Report.

The Regulations Review Task Force was an internal LSC staff task force charged with conducting a comprehensive review of LSC's regulations to support the LSC Board of Directors' Operations & Regulations Committee in the development of a Regulatory Agenda. The members of the Task Force were Victor Fortuno, Vice President for Legal Affairs & General Counsel, Co-Chair; Randi Youells, Vice President for Programs, Co-Chair; John Eidleman, Program Counsel—Office of Program Performance; John Meyer, Acting Director—Office of Information Management; Bertrand Thomas, Program Counsel III—Office of Compliance and Enforcement and Mattie Condray, Senior Assistant General Counsel—Office of Legal Affairs. Laurie Tarantowicz, Assistant Inspector General and Legal Counsel, served as the OIG Liaison to the Task Force.

The Task Force conducted its work over the period of October, 2000, through January, 2002. The Final Report of the Task Force contains a review of LSC regulations to make sure that they properly implement current law and an analysis to determine whether any of LSC's regulations are confusing, unduly burdensome or pose interpretation or enforcement problems. The Final Report also suggest basic prioritization categories for action. The conclusions of the Task Force, as embodied in the Final

Report, are endorsed by LSC senior management.

A full copy of the Final Report can be found on the LSC Web site at: *http://www.lsc.gov/FOIA/other/FRrrtf02.pdf.* Interested parties may also request a copy by contacting Mattie Condray at the addresses listed above.

Victor M. Fortuno,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 02–3666 Filed 2–14–02; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–023]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Advanced Hi-Temp Strain Sensors of San Diego, California, has applied for an exclusive license to practice the invention described and claimed in U.S. Patent No. 6,301,775, entitled ''Alumina Encapsulated Strain Gage, Not Mechanically Attached to the Substrate, Used to Temperature Compensate an Active High Temperature Gage in a Half-Bridge Configuration,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to the NASA Management Office—JPL.

DATES: Responses to this notice must be received by March 4, 2002.

FOR FURTHER INFORMATION CONTACT: Patent Counsel, NASA Management Office—JPL, 4800 Oak Grove Drive, Mail Station 180–802, Pasadena, CA 91109–8099.

Dated: February 8, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–3684 Filed 2–14–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–024]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Smart Material Corporation of 4721 White Tail Lane, Sarasota, Florida 34238, has applied for an exclusive license to practice the invention described in NASA Case No. LAR–15816–1–PCT, entitled ''Piezoelectric Macro-Fiber Composite Actuator And Method for Making Same'', for which a PCT Patent Application was filed and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Langley Research Center.

DATES: Responses to this notice must be received by March 4, 2002.

FOR FURTHER INFORMATION CONTACT: Kurt G. Hammerle, Patent Attorney, NASA Langley Research Center, Mail Stop 212, Hampton, VA 23681–2199, telephone (757) 864–2470; fax (757) 864–9190.

Dated: February 8, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–3685 Filed 2–14–02; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–025]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Critical Care Innovations, Inc. having offices in Chantilly, Virginia, has applied for a partially exclusive license to practice the inventions described and claimed in U.S. Patent No. 5,827,531, entitled ''Multi-Lamellar, Immiscible-Phase Microencapsulation of Drugs''; U.S. Patent No. 6,099,864, entitled ''INSITU Activation of Microcapsules''; U.S. Patent No. 6,214,300, entitled ''Microencapsulation and Electrostatic Processing Device (MEPS)''; U.S. Patent No. 6,103,271, entitled ''Microencapsulation & Electrostatic Coating Process''; pending U.S. Patent Application entitled ''Protein Crystal Encapsulation Process'', NASA Case No. MSC–22936–1–SB; pending U.S. Patent Application entitled ''Externally Triggered Microcapsules'', NASA Case No. MSC–22939–1–SB and pending continuations, divisional applications, and foreign applications corresponding to the above-listed cases. Each of the above-listed patents and patent applications are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent the Johnson Space Center.

DATES: Responses to this notice must be received by March 4, 2002.

FOR FURTHER INFORMATION CONTACT: James Cate, Patent Attorney, NASA Johnson Space Center, Mail Stop HA, Houston, TX 77058–8452; telephone (281) 483–1001.

Dated: February 8, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–3686 Filed 2–14–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–026]

Notice of prospective patent and copyright license

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Williams Electrical Systems Company of Greensboro, North Carolina, has applied for an exclusive patent license to practice the invention disclosed in NASA Case No. KSC–12035, entitled ''Single Station System and Method of Locating Lightning Strikes,'' for which a patent application was filed and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Randall M. Heald, Assistant Chief Counsel/Patent Counsel, and John F. Kennedy Space Center.

DATES: Responses to this notice must be received by March 4, 2002.

FOR FURTHER INFORMATION CONTACT: Randall M. Heald, Assistant Chief Counsel/Patent Counsel, John F. Kennedy Space Center, Mail Code CC–A, Kennedy Space Center, FL 32899, telephone (321) 867–7214.

Dated: February 8, 2002.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 02–3687 Filed 2–14–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL COUNCIL ON DISABILITY

Advisory Committee Meeting

AGENCY: National Council on Disability (NCD).

SUMMARY: This notice sets forth the schedule of the forthcoming conference call for NCD's Cultural Diversity Advisory Committee. Notice of this conference call is required under Section 10(a)(1)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

CULTURAL DIVERSITY ADVISORY COMMITTEE: The purpose of NCD's Cultural Diversity Advisory Committee is to provide advice and recommendations to NCD on issues affecting people with disabilities from culturally diverse backgrounds. Specifically, the committee will help identify issues, expand outreach, infuse participation, and elevate the voices of underserved and unserved segments of this nation's population that will help NCD develop federal policy that will address the needs and advance the civil and human rights of people from diverse cultures.

DATES: March 6, 2002, 3:00 p.m. EST.

FOR CULTURAL DIVERSITY ADVISORY COMMITTEE INFORMATION CONTACT: Gerrie Drake Hawkins, Ph.D, Program Specialist, National Council on Disability, 1331 F Street NW, Suite 850, Washington, DC 20004; 202–272–2004 (voice), 202–272–2074 (TTY), 202–272–2022 (fax), *ghawkins@ncd.gov* (e-mail).

AGENCY MISSION: The National Council on Disability is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

This committee is necessary to provide advice and recommendations to NCD on disability issues.

We currently have a membership reflecting our nation's diversity and representing a variety of disabling conditions from across the United States.

OPEN MEETING: This advisory committee meeting/conference call of the National Council on Disability will be open to the public. However, due to fiscal constraints and staff limitations, a limited number of additional lines will be available. Individuals can also participate in the conference call at the NCD office. Those interested in joining this conference call should contact the appropriate staff member listed above.

Records will be kept of all Cultural Diversity Advisory Committee meetings/calls and will be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on February 11, 2002.

Jeffrey T. Rosen,

General Counsel and Acting Executive Director.

[FR Doc. 02–3709 Filed 2–14–02; 8:45 am]

BILLING CODE 6820–MA–M

NATIONAL SCIENCE FOUNDATION

DOE/NSF Nuclear Science Advisory Committee Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee (1176).

Date and Time: Thursday, March 14, 2002; 9 a.m.–6 p.m., Friday, March 15, 2001; 9 a.m.–6 p.m.

Place: Stafford II Building, Room 595, National Science Foundation, 4121 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Dr. Bradley D. Keister, Program Director for Nuclear Physics, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292—7377.

Purpose of Meeting: To provide advice and recommendations concerning the scientific programs of the NSF and DOE in the area of basic nuclear physics research.

Agenda:

March 14, 2002
- Introduction (J. Symons)
- Report from DOE
- Report from NSF
- Discussion of agency issues
- Report on BESAC activities (J. Schiffer)
- Discussion of Long-Range Plan short document
- Public Comment

March 15, 2002
- Continued Discussion of agency issues and Long-Range Plan short document

Dated: February 12, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02–3787 Filed 2–14–02; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–247]

Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating Unit No. 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) part 50.60(a) for Facility Operating License No. DPR–26, issued to Entergy Nuclear Operations, Inc., (ENO or the licensee), for operation of the Indian Point Nuclear Generating Unit No. 2 (IP2), located in Westchester County, New York. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would provide an exemption from the requirements of 10 CFR 50.60(a). The exemption would permit the use of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, Code Case N–640, ''Alternative Requirement Fracture Toughness for Development of P–T [Pressure and Temperature] Limit Curves for ASME Section XI Division I,'' and ASME Code Section XI Code Case N–588, ''Alternative to Reference Flaw Orientation of Appendix G for Circumferential Welds in Reactor Vessels, Section XI, Division I,'' in lieu of 10 CFR part 50, appendix G, paragraph I.

The proposed action is in accordance with the Consolidated Edison Company of New York, Inc. (Con Edison), the former licensee of IP2, request for an exemption dated July 16, 2001. On September 6, 2001, Con Edison's interests in the license was transferred to Entergy Nuclear Operations, Inc. (ENO). By letter dated September 20, 2001, ENO requested that the NRC continue to review and act on all requests before the Commission which had been submitted before the transfer. Accordingly, the NRC staff has acted upon Con Edison's application dated July 16, 2001, as supplemented by an ENO letter dated January 11, 2002.

The Need for the Proposed Action

The proposed action provides relief from unnecessary restriction of the P–T operating window defined by the P–T operating and test curves developed in accordance with ASME Code, Section

XI, Appendix G procedure. ASME Code, Section XI, Appendix G procedure was conservatively developed based on the level of knowledge existing in 1974 concerning reactor pressure vessel materials and the estimated effects of operation. Since 1974, the level of knowledge about these topics has been greatly expanded. This increased knowledge permits relaxation of the ASME Code, Section XI, Appendix G, requirements via application of ASME Code Case N–640 while maintaining the underlying purpose of the ASME Code, Section XI, Appendix G procedure. The restriction of the P–T operating and test curves developed in accordance with ASME Code, Section XI, Appendix G procedure would challenge the operations staff when operating at lower temperatures.

Continued operation with P–T curves developed in accordance with the ASME Code, Section XI without relief would unnecessarily restrict the P–T operating window for IP2. This would constitute an unnecessary burden that can be alleviated by the application of ASME Code Case N–588 in the development of the proposed P–T curves. Implementation of the proposed P–T curves as allowed by ASME Code Case N–588 would not reduce the margin of safety originally contemplated by either the NRC or ASME.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes as set forth below, there are no significant environmental impacts associated with the use of the alternative analysis methods to support the revision of the P–T curves.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resource than those previously considered in the Final Environmental Statement for the Indian Point Nuclear Generating Unit No. 3, dated September 1972.

Agencies and Persons Consulted

On January 31, 2002, the staff consulted with the New York State official, Ms. Alyse Peterson of the New York State Research and Development Authority, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated July 16, 2001, as supplemented by letter dated January 11, 2002. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 11th day of February 2002.

For the Nuclear Regulatory Commission.

Joel T. Munday,

Acting Chief, Section 1, Project Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3751 Filed 2–14–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold a Planning and Procedures Meeting during February 27–March 1, 2002, at the Four Points Sheraton-Tucson University Plaza, 1900 E. Speedway Blvd., Tucson, Arizona.

The meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, February 27, 2002—8:30 a.m. Until the Conclusion of Business

The Committee will discuss the adequacy of the process for conducting ACNW business including a facilitated discussion on improving Committee effectiveness and efficiency. In addition, it will discuss insights gained from the Waste Management 2002 Conference and the issues the ACNW should address in 2002.

Thursday, February 28, 2002—8:30 a.m. Until the Conclusion of Business

The Committee will discuss its existing mission and objectives, its effectiveness during the past year, and possible process improvements that could result in increased effectiveness during 2002.

Friday, March 1, 2002—8:30 a.m. Until the Conclusion of Business

The Committee will summarize its consensus on issues, consider its draft report on the NRC Safety Research Program, and finalize its March 20, 2002 Commission briefing presentation.

Oral statements may be presented by members of the public with the concurrence of the Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and

questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACNW staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACNW staff person, Howard J. Larson (telephone: 301/415–6805) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule that may have occurred.

Dated: February 8, 2002.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 02–3752 Filed 2–14–02; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in February 2002. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in March 2002.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. The required interest rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Release H.15.

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in February 2002 is 4.63 percent (*i.e.,* 85 percent of the 5.45 percent yield figure for January 2002).

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between March 2001 and February 2002.

For premium payment years beginning in:	The required interest rate is:
March 2001	4.63
April 2001	4.54
May 2001	4.80
June 2001	4.91
July 2001	4.82
August 2001	4.77
September 2001	4.66
October 2001	4.66
November 2001	4.52
December 2001	4.35
January 2002	4.66
February 2002	4.63

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in March 2002 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 8th day of February 2002.

Steven A. Kandarian,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 02–3780 Filed 2–14–02; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of February 18, 2002: A closed meeting will be held on Thursday, February 21, 2002, at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting scheduled for Thursday, February 21, 2002, will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and

Formal orders of investigation.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: February 12, 2002.

Jonathan G. Katz,

Secretary.

[FR Doc. 02–3829 Filed 2–12–02; 4:12 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45379A; File Nos. SR–NASD–2001–64 and SR–NASD–2001–68]

Self Regulatory Organizations; Order Granting Approval of Proposed Rule Changes by the National Association of Securities Dealers, Inc., To Adjust the Fees Charged to NASD Non-Members for the Use of the Nasdaq National Market Execution System and the SelectNet Service

January 31, 2002.

Correction

In FR Document No. 02–2962, beginning on page 5867 for Thursday February 7, 2002, the first sentence of Section V. on page 5868 was incorrectly stated. The sentence should read as follows:

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[1] that proposed rule change File No. SR–NASD–2001–64 be and hereby is approved and that proposed rule change File No. SR–NASD–2001–68 be and hereby is approved on a pilot basis through October 31, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Dated: February 11, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3715 Filed 2–14–02; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(2).

[2] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45425; File No. SR–Phlx–2002–07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Fees Applicable to Competing Specialists

February 8, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 8, 2002, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend its schedule of dues, fees and charges to establish clearly that the Exchange's fees, credits, discounts and other charges that are based upon an equity specialist's activity apply to competing specialists. The Exchange proposes to add language to its fee schedule to make clear that such fees, credits, discounts and other charges apply to competing specialists.

The text of the proposed rule change is available at the Office of the Secretary, the Phlx, and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx 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 Phlx 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 purpose of the proposed rule change is to establish clearly that any fees and charges (as well as any credits and discounts) on the Exchange's schedule of dues, fees and other charges that are based upon an equity specialist's activity apply to competing specialists. On December 21, 2001, the Commission approved a proposed rule change to adopt rules designed to facilitate the establishment of a competing specialist program on the Exchange.[3] The new rules provide for the approval by the Exchange's Equity Allocation, Evaluation and Securities Committee of applications by qualified specialist units to act as competing specialists in one or more equity securities. The Exchange contemplates commencing a competing specialist program in the near future. Under that program, equity securities traded on the Exchange may have both a primary specialist (contemplated to be the Exchange's current sole specialist in the security) and one or more competing specialists. At this time, the Exchange is proposing to apply all specialist fees and charges (as well as any applicable credits or discounts) to Exchange specialists, whether primary or competing.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act,[4] in general, and section 6(b)(4) of the Act,[5] in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act[6] and subparagraph (f)(2) of Rule 19b–4[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 45183, 67 FR 118 (January 2, 2002) (SR–Phlx–2001–97).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(2).

Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–2002–07 and should be submitted by March 8, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Magaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3714 Filed 2–14–02; 8:45 am]

BILLING CODE 8010–01–P

[8] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before April 16, 2002.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Johnny Kitts, Financial Analyst, Office of Investment, Small Business Administration, 409 3rd Street, SW., Suite 6300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Johnny Kitts, Financial Analyst, (202) 205–7587 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: Small Business Investment Company (SBIC) Leverage Application Forms and Documents, Leverage Application Kits.

Form No's.: 25, 33, 34, 1065.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 327.

Annual Burden: 507.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–3710 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's, National Women's Business Council's (NWBC's) intentions to request approval on a new information collection. This information collection request (ICR) will be used to obtain data on the participation of women-owned small business in Federal subcontracting.

DATES: Submit comments on or before April 16, 2002.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the NWBC, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Laura Eyester, Acting Executive Director, NWBC, 409 3rd Street, SW, Suite 210, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Laura Eyester, Acting Executive Director, NWBC, at (202) 205–6828 or Curtis B. Rich, Management Analyst, SBA, at (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: Subcontracting Report.

Form No: N/A.

Description of Respondents: Large businesses that contract with the Federal Government.

Annual Responses: 350.

Annual Burden: 245.

Jacqueline White,

Chief, Administration Information Branch.

[FR Doc. 02–3778 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3392]

State of Kansas

As a result of the President's major disaster declaration on February 6, 2002, I find that Allen, Anderson, Barber, Bourbon, Butler, Chautaqua, Cherokee, Coffey, Comanche, Cowley, Crawford, Douglas, Elk, Franklin, Greenwood, Harper, Jefferson, Johnson, Kingman, Kiowa, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Pratt, Sedgwick, Shawnee, Sumner, Wilson, Woodson and Wyandotte in the State of Kansas constitute a disaster area due to damages caused by a severe winter ice storm occurring on January 29, 2002, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 8, 2002 and for economic injury until the close of business on November 7, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Atchison, Chase, Clark, Edwards, Ford, Harvey, Jackson, Marion, Morris, Pottawatomie, Reno, Stafford and Wabaunsee counties in the State of Kansas; Alfalfa, Craig, Grant, Harper, Kay, Nowata, Osage, Ottawa, Washington and Woods counties in the State of Oklahoma; Barton, Bates, Cass, Clay, Jackson, Jasper, Newton, Platte and Vernon counties in the State of Missouri.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.625
Homeowners without credit available elsewhere	3.312
Businesses with credit available elsewhere	7.000
Businesses and non-profit organizations without credit available elsewhere	3.500
Others (including non-profit organizations) with credit available elsewhere	6.375
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	3.500

The number assigned to this disaster for physical damage is 339211. For

economic injury the number is 9O4300 for Kansas; 9O4400 for Oklahoma; and 9O4500 for Missouri.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 7, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 02–3712 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3393]

State of Missouri

As a result of the President's major disaster declaration on February 6, 2002, I find that Adair, Audrain, Bates, Benton, Boone, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Grundy, Henry, Howard, Jackson, Johnson, Lafayette, Linn, Livingston, Macon, Monroe, Morgan, Pettis, Platte, Randolph, Ray, Saline, Shelby, St. Clair, Sullivan and Vernon Counties in the State of Missouri constitute a disaster area due to damages caused by a severe winter ice storm occurring on January 29, 2002 and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 8, 2002 and for economic injury until the close of business on November 7, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Andrew, Barton, Callaway, Camden, Cedar, Cole, Daviess, DeKalb, Harrison, Hickory, Knox, Lewis, Marion, Mercer, Miller, Moniteau, Montgomery, Pike, Polk, Putnam, Ralls, Schuyler and Scotland counties in the State of in Missouri; Atchison, Bourbon, Crawford, Doniphan, Johnson, Leavenworth, Linn, Miami and Wyandotte counties in the State of Kansas.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.625
Homeowners without credit available elsewhere	3.312
Businesses with credit available elsewhere	7.000
Businesses and non-profit organizations without credit available elsewhere	3.500
Others (including non-profit organizations) with credit available elsewhere	6.375
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	3.500

The number assigned to this disaster for physical damage is 339311. For economic injury the number is 9O4600 for Missouri and 9O4700 for Kansas.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 7, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 02–3713 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3394]

State of Oklahoma

As a result of the President's major disaster declaration for Public Assistance on February 1, 2002, and Amendments 1 and 2 adding Individual Assistance on February 7, 2002, I find that Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Creek, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, McClain, Noble, Nowata, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Rogers, Stephens, Texas, Tilman, Tulsa, Washington, Washita, Woods and Woodward in the State of Oklahoma constitute a disaster area due to damages caused by a severe winter ice storm occurring on January 30, 2002, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 2, 2002, and for economic injury until the close of business on November 1, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Carter, Cotton, Craig, Jefferson, Mayes, Murray, Okfuske, Okmulgee, Pontotoc, Seminole and Wagoner in the State of Oklahoma; Baca county in the State of Colorado; Barber, Chautauqua, Clark, Comanche, Cowley, Harper, Labette, Meade, Montgomery, Morton, Seward, Stevens and Sumner counties in the State of Kansas; Union county in the State of New Mexico; Childress, Collingsworth, Dallam, Hansford, Hardeman, Hemphill, Lipscomb, Ochiltree, Sherman, Wheeler, Wichita and Wilbarger counties in the State of Texas.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.625
Homeowners without credit available elsewhere	3.312
Businesses with credit available elsewhere	7.000
Businesses and non-profit organizations without credit available elsewhere	3.500
Others (including non-profit organizations) with credit available elsewhere	6.375
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	3.500

The number assigned to this disaster for physical damage is 339411. For economic injury the number is 9O4800 for Oklahoma; 9O4900 for Colorado; 9O5000 for Kansas; 9O5100 for New Mexico; and 9O5200 for Texas.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 8, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 02–3711 Filed 2–14–02; 8:45 am]

BILLING CODE 8025–01–P]

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34132]

Norfolk Southern Railway Company—Lease and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board grants an exemption under 49 U.S.C. 10502, from the prior approval requirements of 49 U.S.C. 11323–25, for Norfolk Southern

Railway Company (NSR) to lease and operate over approximately 1.2 miles of The Burlington Northern and Santa Fe Railway Company (BNSF) line, known as the Norwood Hill Track, extending between mileposts BNSF 734.4 = NSR 800.6 (''Block One'') and BNSF 735.6 = NSR 799.4 (''Block Two'') at Birmingham, in Jefferson County, AL.

DATES: This exemption will be effective March 17, 2002. Petitions to stay must be filed by March 4, 2002, and petitions to reopen must be filed by March 12, 2002.

ADDRESSES: Send an original and 10 copies of pleadings referring to STB Finance Docket No. 34132 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of pleadings to petitioners' representatives: James R. Paschall, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510–2191 and Peter M. Lee, The Burlington Northern and Santa Fe Railway Company, 2500 Lou Menk Drive, 3rd Floor, P.O. Box 961039, Fort Worth, TX 76161–0039.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Da 2 Da Legal, Room 405, 1925 K Street, NW, Washington, DC 20006. Telephone: (202) 293–7776. [Assistance for the hearing impaired is available through TDD Services 1–800–877–8339.]

Board decisions and notices are available on our web site at *''WWW.STB.DOT.GOV.''*

Decided: February 8, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 02–3784 Filed 2–14–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34167]

Richard J. Corman-Continuance in Control Exemption-R.J. Corman Equipment Company, LLC

Richard J. Corman (Corman), a noncarrier individual, has filed a verified notice of exemption to continue in control of R.J. Corman Equipment Company, LLC (RJCE), upon RJCE's becoming a Class III rail carrier.

The transaction was scheduled to be consummated on or after January 24, 2002, the effective date of the exemption.

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34165, *R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of CSX Transportation, Inc.,* wherein RJCE seeks to acquire the Dawkins Subdivision from CSXT Transportation, Inc.; and STB Finance Docket No. 34166, *R.J. Corman Railroad Company/Bardstown Line—Lease and Operation Exemption—Line of R.J. Corman Equipment Company, LLC,* wherein R.J. Corman Railroad Company/Bardstown Line (RJCR) seeks to lease and operate the rail line being acquired by RJCE in STB Finance Docket No. 34165. RJCR is an existing Class III rail carrier operating in the State of Kentucky.

Corman controls through stock ownership seven Class III rail carriers: R.J. Corman Railroad Company/Pennsylvania Lines, Inc., operating in Pennsylvania; R.J. Corman Railroad Company/Memphis Line, operating in Tennessee and Kentucky; R.J. Corman Railroad Company/Western Ohio Line, operating in Ohio; R.J. Corman Railroad Company/Cleveland Line operating in Ohio; R.J. Corman Railroad Company/Bardstown Line, operating in Kentucky; R.J. Corman Railroad Company/Allentown Lines, Inc., operating in Pennsylvania and New York; and Clearfield and Mahoning Railway Company, operating in Pennsylvania.

Corman states that the rail line to be acquired by RJCE will not connect with the rail lines of any existing rail carrier in their corporate family, this control transaction is not part of a series of anticipated transactions that would result in such a connection, and this control transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval of requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings referring to STB Finance Docket No. 34167, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 8, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–3672 Filed 2–14–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34165]

R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of CSX Transportation, Inc.

R.J. Corman Equipment Company, LLC (RJCE), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire approximately 36.08 miles of rail line known as the Dawkins Subdivision from CSX Transportation, Inc. (CSXT) located between approximately milepost 0.05 at or near Dawkins, KY, and approximately milepost 36.13 at or near Evanston, KY, in Johnson, Magoffing and Breathitt Counties, KY. RJCE certifies that its projected revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier.

The transaction was scheduled to be consummated on or after January 24, 2002, the effective date of the exemption.

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34167, *Richard J. Corman—Continuance in Control Exemption—R.J. Corman Equipment Company, LLC,* wherein Richard J. Corman seeks to continue in control of RJCE, upon its becoming a Class III rail carrier; and

STB Finance Docket No. 34166, *R.J. Corman Railroad Company/Bardstown Line—Lease and Operation Exemption—Line of R.J. Corman Equipment Company, LLC,* wherein R.J. Corman Railroad Company/Bardstown Line seeks to lease and operate the line being acquired by RJCE in STB Finance Docket No. 34165.

If this notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34165, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 8, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–3670 Filed 2–14–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34166]

R.J. Corman Railroad Company/ Bardstown Line-Lease and Operation Exemption-Line of R.J. Corman Equipment Company, LLC

R.J. Corman Railroad Company/ Bardstown Line (RJCR), a Class III carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and operate a rail line known as the Dawkins Subdivision from R.J. Corman Equipment Company, LLC (RJCE) between approximately milepost 0.05 at or near Dawkins, KY, and approximately milepost 36.13 at or near Evanston, KY, in Johnson, Magoffing and Breathitt Counties, KY, a total distance of approximately 36.08 miles. RJCR certifies that the projected revenues will not result in the creation of Class I or Class II rail carrier.

The transaction was scheduled to be consummated on or after January 24, 2002, the effective date of the exemption.

This transaction is related to two simultaneously filed notices of exemption: STB Finance Docket No. 34167, *Richard J. Corman-Continuance in Control Exemption—R.J. Corman Equipment Company, LLC,* wherein Richard J. Corman seeks continue in control of RJCE upon RJCE's becoming a Class III rail carrier; and STB Finance Docket No. 34165, *R.J. Corman Equipment Company, LLC—Acquisition Exemption—Line of CSX Transportation, Inc.,* wherein RJCE seeks to acquire the Dawkins Subdivision from CSX Transportation, Inc.

If this notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34166, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Kevin M. Sheys, Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue—2nd Floor, Washington, DC 20036.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 8, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–3671 Filed 2–14–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Public Comment for Study on Information Sharing Practices Among Financial Institutions and Their Affiliates

AGENCY: Department of the Treasury, Departmental Offices.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of the Treasury (Secretary), in conjunction with the federal functional regulatory agencies and the Federal Trade Commission, is conducting a study of information sharing practices among financial institutions and their affiliates, as required by the Gramm-Leach-Bliley Act of 1999. The Secretary is requesting public comment on a number of issues to assist in preparation of the Study.

DATES: Please submit comments and responses to the questions in this notice on or before April 1, 2002.

ADDRESSES: All submissions must be in writing or in electronic form. Please send e-mail comments to *study.comments@ots.treas.gov*, or facsimile transmissions to FAX Number (202) 906–6518 re: GLBA Information Sharing Study. Comments sent by mail should be sent to: Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, ATTN: Study on GLBA Information Sharing. (Senders should be aware that there have been some unpredictable and lengthy delays in postal deliveries to the Washington, DC area in recent weeks and may prefer to make electronic submissions.) Anyone submitting comments is asked to include his or her name, address, telephone number, and if available, FAX number and e-mail address. Please do not submit confidential commercial or financial information. All submissions should be captioned ''Comments on the GLBA Information Sharing Study.'' Comments will be available to the public in their entirety via the Treasury Department website, *www.USTreas.gov*, where a link will be established. The link will be clearly identified on the Treasury homepage as relating to the GLBA Study on Information Sharing Practices Among Financial Institutions and Their Affiliates. Copies of comments also may be inspected at the Treasury Department Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Before visiting the library, visitors must call (202) 622–0990 to arrange an appointment.

FOR FURTHER INFORMATION CONTACT: Susan Hart, Financial Economist, Office of Consumer Affairs and Community Policy, Department of the Treasury, (202) 622–0129; or Brian Tishuk, Director, Office of Consumer Affairs and Community Policy, Department of the Treasury, (202) 622–1964.

SUPPLEMENTARY INFORMATION:

I. Statutory Background

On November 12, 1999, President Clinton signed into law the Gramm-Leach-Bliley Act (GLBA).[1] The GLBA made several fundamental changes to the laws governing the financial system, including easing the limits on the types of financial institutions that may be affiliated with one another. A Company is an affiliate of a financial institution if it controls, is controlled by, or is under

[1] Pub. L. 106–102.

common control with the financial institution.

The GLBA also established limits on the extent to which financial institutions[2] may disclose personal information about consumers[3] with whom they do business. The GLBA generally requires that a financial institution provide a clear and conspicuous notice of its privacy policies and practices and allow consumers to prevent (*i.e.,* to opt out of) the disclosure of their nonpublic personal information[4] to a nonaffiliated company, unless certain prescribed exceptions apply. The financial institution also must explain how consumers can exercise their opt out rights. These limitations on disclosing nonpublic personal information do not apply when a financial institution discloses a consumer's information to its affiliates.[5]

Section 508 of the GLBA[6] requires the Secretary, in conjunction with the federal functional regulators[7] and the Federal Trade Commission, to conduct a study of information sharing practices among financial institutions and their affiliates. The Study must address: (1) The purposes for the sharing of confidential customer information with affiliates or with nonaffiliated third parties; (2) the extent and adequacy of security protections for such information; (3) the potential risks for customer privacy of such sharing of information; (4) the potential benefits for financial institutions and affiliates of such sharing of information; (5) the potential benefits for customers of such sharing of information; (6) the adequacy of existing laws to protect customer privacy; (7) the adequacy of financial institution privacy policy and privacy rights disclosure under existing law; (8) the feasibility of different approaches, including opt out and opt in, to permit customers to direct that confidential information not be shared with affiliates and nonaffiliated third parties; and (9) the feasibility of restricting the sharing of information for specific uses or of permitting customers to direct the uses for which information may be shared.

In formulating and conducting the Study, the Secretary is required to consult with representatives of State insurance authorities designated by the National Association of Insurance Commissioners, and also with the financial services industry, consumer organizations and privacy groups, and other representatives of the general public. The Secretary also will incorporate the views of the federal functional regulators, including their examiners, and the Federal Trade Commission in completing this Study. Upon completion of the Study, the Secretary will submit a report to the Congress of the Study's findings and conclusions, as well as any recommendations for legislative or administrative actions as may be appropriate.

II. Request for Comments

Please comment on the specific questions set forth below and on any other issues relevant to this Study. Please label comments with the number and letter corresponding to the question to which the comment relates. For purposes of the questions below, the terms ''information'' and ''confidential customer information'' mean ''nonpublic personal information,'' as defined in the regulations implementing the financial privacy provisions of Title V of the GLBA.[8] In addition, for the purposes of this request, the term ''customer'' means any individual and includes any individual who applies for or obtains a financial service or product.[9]

1. Purposes for the sharing of confidential customer information with affiliates or with nonaffiliated third parties:

a. What types of information do financial institutions share with affiliates?

b. What types of information do financial institutions share with nonaffiliated third parties?

c. Do financial institutions share different types of information with affiliates than with nonaffiliated third parties? If so, please explain the differences in the types of information shared with affiliates and with nonaffiliated third parties.

d. For what purposes do financial institutions share information with affiliates?

e. For what purposes do financial institutions share information with nonaffiliated third parties?

f. What, if any, limits do financial institutions voluntarily place on the sharing of information with their affiliates and nonaffiliated third parties? Please explain.

g. What, if any, operational limitations prevent or inhibit financial institutions from sharing information with affiliates and nonaffiliated third parties? Please explain.

h. For what other purposes would financial institutions like to share information but currently do not? What benefits would financial institutions derive from sharing information for those purposes? What currently prevents or inhibits such sharing of information?

2. The extent and adequacy of security protections for such information:

a. Describe the kinds of safeguards that financial institutions have in place to protect the security of information. Please consider administrative, technical, and physical protections, as well as the protections that financial institutions impose on their third-party service providers.

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[2] Under subtitle A of title V of the GLBA, a financial institution generally is any banking institution, credit union, securities entity (such as a broker-dealer, mutual fund, or investment adviser), or insurance company, as well as any other business that engages in activities that are financial in nature under section 4(k) of the Bank Holding Company Act of 1956. *See* 15 U.S.C. 6809(3); 12 U.S.C. 1843(k). Futures entities (futures commission merchants, commodity trading advisors, commodity pool operators, and introducing brokers) are also financial institutions for purposes of subtitle A of title V of the GLBA, 7 U.S.C. 7b–2(a).

[3] Under the GLBA, a consumer in an individual who obtains from a financial institution financial product or services to be used primarily for personal, family, or household purposes, or that person's legal representative. *See, e.g.,* 12 CFR 40.3(e)(1).

[4] As further discussed below, nonpublic personal information generally is any personally identifiable financial information about the consumer, other than publicly available information. *See, e.g.,* 12 CFR. 40.3(n).

[5] Under the Fair Credit Reporting Act (FCRA) (15 U.S.C. 1681 *et seq.*), financial institutions generally must give consumers clear and conspicuous notice and the opportunity to opt out of transfers of certain types of information to affiliates to avoid becoming consumer reporting agencies, subject to certain exceptions. Consequently, some disclosures of information to affiliates whether or not limited by the GLBA, may be subject to the notice and opt-out provisions of the FCRA.

[6] 15 U.S.C. 6808.

[7] The federal functional regulators are: the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

[8] *See, e.g.,* 12 CFR 40.3(n), ''Nonpublic personal information'' means: (i) ''Personally identifiable financial information''; and (ii) any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available. ''Personally identifiable financial information'' means any information: (i) A consumer provides to a financial institution to obtain a financial product or service from the institution; (ii) about a consumer resulting from any transaction involving a financial product or service between a financial institution and a consumer; or (iii) the financial institution otherwise obtains about a consumer in connection with providing a financial product or service to that consumer. *See, e.g.,* 12 CFR 40.3(o).

[9] *See, e.g.,* 12 CFR 40.3(e)(1) and 40.3(h). Under GLBA regulations, a ''customer'' has an established, on-going relationship with a financial institution, whereas a ''consumer'' need not. No distinction is made for the purposes of questions raised in this notice: The terms are interpreted as equivalents, and thus a customer need not have a continuing or on-going relationship with a financial institution.

b. To what extent are the safeguards described above required under existing law, such as the GLBA (*see, e.g.,* 12 CFR 30, Appendix B)?

c. Do existing statutory and regulatory requirements protect information adequately? Please explain why or why not.

d. What, if any, new or revised statutory or regulatory protections would be useful? Please explain.

3. The potential risks for customer privacy of such sharing of information:

a. What, if any, potential privacy risks does a customer face when a financial institution shares the customer's information with an affiliate?

b. What, if any, potential privacy risks does a customer face when a financial institution shares the customer's information with a nonaffiliated third party?

c. What, if any, potential risk to privacy does a customer face when an affiliate shares information obtained from another affiliate with a nonaffiliated third party?

4. The potential benefits for financial institutions and affiliates of such sharing of information (specific examples, means of assessment, or evidence of benefits would be useful):

a. In what ways do financial institutions benefit from sharing information with affiliates?

b. In what ways do financial institutions benefit from sharing information with nonaffiliated third parties?

c. In what ways do affiliates benefit when financial institutions share information with them?

d. In what ways do affiliates benefit from sharing information that they obtain from other affiliates with nonaffiliated third parties?

e. What effects would further limitations on such sharing of information have on financial institutions and affiliates?

5. The potential benefits for customers of such sharing of information (specific examples, means of assessment, or evidence of benefits would be useful):

a. In what ways does a customer benefit from the sharing of such information by a financial institution with its affiliates?

b. In what ways does a customer benefit from the sharing of such information by a financial institution with nonaffiliated third parties?

c. In what ways does a customer benefit when affiliates share information they obtained from other affiliates with nonaffiliated third parties?

d. What, if any, alternatives are there to achieve the same or similar benefits for customers without such sharing of such information?

e. What effects, positive or negative, would further limitations on the sharing of such information have on customers?

6. The adequacy of existing laws to protect customer privacy:

a. Do existing privacy laws, such as GLBA privacy regulations and the Fair Credit Reporting Act (FCRA), adequately protect the privacy of a customer's information? Please explain why or why not.

b. What, if any, new or revised statutory or regulatory protections would be useful to protect customer privacy? Please explain.

7. The adequacy of financial institution privacy policy and privacy rights disclosure under existing law:

a. Have financial institution privacy notices been adequate in light of existing requirements? Please explain why or why not.

b. What, if any, new or revised requirements would improve how financial institutions describe their privacy policies and practices and inform customers about their privacy rights? Please explain how any of these new or revised requirements would improve financial institutions' notices.

8. The feasibility of different approaches, including opt-out and opt-in, to permit customers to direct that such information not be shared with affiliates and nonaffiliated third parties:

a. Is it feasible to require financial institutions to obtain customers' consent (opt in) before sharing information with affiliates in some or all circumstances? With nonaffiliated third parties? Please explain what effects, both positive and negative, such a requirement would have on financial institutions and on consumers.

b. Under what circumstances would it be appropriate to permit, but not require, financial institutions to obtain customers' consent (opt in) before sharing information with affiliates as an alternative to a required opt out in some or all circumstances? With nonaffiliated third parties? What effects, both positive and negative, would such a voluntary opt in have on customers and on financial institutions? (Please describe any experience of this approach that you may have had, including consumer acceptance.)

c. Is it feasible to require financial institutions to permit customers to opt out generally of having their information shared with affiliates? [10] Please explain what effects, both positive and negative, such a requirement would have on consumers and on financial institutions.

d. What, if any, other methods would permit customers to direct that information not be shared with affiliates or nonaffiliated third parties? Please explain their benefits and drawbacks for customers and for financial institutions of each method identified.

9. The feasibility of restricting sharing of such information for specific uses or of permitting customers to direct the uses for which such information may be shared:

a. Describe the circumstances under which or the extent to which customers may be able to restrict the sharing of information by financial institutions for specific uses or to direct the uses for which such information may be shared?

b. What effects, both positive and negative, would such a policy have on financial institutions and on consumers?

c. Please describe any experience you may have had of this approach.

Dated: February 4, 2002.

Sheila C. Bair,

Assistant Secretary of the Treasury.

[FR Doc. 02–3781 Filed 2–14–02; 8:45 am]

BILLING CODE 4810–25–P

[10] This question seeks views on a general opt out for sharing of information with affiliates and represents a broadening of opt-out provisions for affiliate sharing under the FCRA.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209106–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, REG–209106–89, Changes With Respect to Prizes and Awards and Employee Achievement Awards (§ 1.74–1(c)).

DATES: Written comments should be received on or before April 16, 2002, to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5575, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of regulation should be directed to Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.),* Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Changes With Respect to Prizes and Awards and Employee Achievement Awards.

OMB Number: 1545–1100.

Regulation Project Number: REG–209106–89 (formerly EE–84–89).

Abstract: This regulation requires recipients of prizes and awards to maintain records to determine whether a qualifying designation has been made in accordance with section 74(b)(3) of the Internal Revenue Code. The affected public are prize and award recipients who seek to exclude the cost of a qualifying prize or award.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 5,100.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 1,275.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 7, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3820 Filed 2–14–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8842

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8842, Election To Use Different Annualization Periods for Corporate Estimated Tax.

DATES: Written comments should be received on or before April 16, 2002, to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, or through the internet (*Larnice.Mack@irs.gov.*), Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Election To Use Different Annualization Periods for Corporate Estimated Tax.

OMB Number: 1545–1409.

Form Number: 8842.

Abstract: Form 8842 is used by corporations, tax-exempt organizations subject to the unrelated business income tax, and private foundations to annually elect the use of an annualization period under Internal Revenue Code section 6655(e)(2)(C)(i) or (ii) for purposes of figuring the corporation's estimated tax payments under the annualized income installment method.

Current Actions: There are no changes being made to the Form 8842 at this time.

Type of Review: Extension of a current OMB approval.

Affected Public: Business, or other for-profit organizations.

Estimated Number of Respondents: 1700.

Estimated Time Per Respondent: 3 hrs., 33 min.

Estimated Total Annual Burden Hours: 4335.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 7, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3821 Filed 2–14–02; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–45–93]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–45–93, Electronic Filing of Form W–4 (§ 31.3402(f)(5)–1).

DATES: Written comments should be received on or before April 16, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5575, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carol Savage, (202) 622–3945, or through the Internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Electronic Filing of Form W–4.

OMB Number: 1545–1435.

Regulation Project Number: EE–45–93.

Abstract: Information is required by the Internal Revenue Service to verify compliance with regulation section 31.3402(f)(2)–1(g)(1), which requires submission to the Service of certain withholding exemption certificates. The affected respondents are employers that choose to make electronic filing of Forms W–4 available to their employees.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 2,000.

Estimated Time Per Respondent: 20 hours.

Estimated Total Annual Burden Hours: 40,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 7, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3822 Filed 2–14–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 99–17

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 99–17, Mark to Market Election for Commodities Dealers and Securities and Commodities Traders.

DATES: Written comments should be received on or before April 16, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5575, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of revenue procedure should be directed to Carol Savage, (202) 622–3945, or through the Internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Mark to Market Election for Commodities Dealers and Securities and Commodities Traders.

OMB Number: 1545–1641.

Revenue Procedure Number: Revenue Procedure 99–17.

Abstract: This revenue procedure prescribes the time and manner for dealers in commodities and traders in securities or commodities to elect to use the mark-to-market method of accounting under sections 475(e) and (f) of the Internal Revenue Code. The collections of information in this revenue procedure are required by the IRS in order to facilitate monitoring taxpayers changing accounting methods resulting from making the elections under Code section 475(e) or (f).

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

The reporting burden for the collections of information in section 5.01–5.04 of this revenue procedure is as follows:

Estimated Number of Respondents/Recordkeepers: 1,000.

Estimated Time Per Respondent/Recordkeeper: 30 minutes.

Estimated Total Annual Reporting/Recordkeeping Hours: 500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 7, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3823 Filed 2–14–02; 8:45 am]

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Corrections

Federal Register

Vol. 67, No. 32

Friday, February 15, 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.

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300–2, 302–3, and Ch. 302

[FTR Amendment 98]

RIN 3090–AG93

Federal Travel Regulation; Relocation Allowances

Correction

In rule document 01–27764 beginning on page 58194 in the issue of Tuesday, November 20, 2001, make the following corrections:

1. On page 58194, in the third column, in the table, under the heading ''New part'', in the second line ''302–'' should read ''302–2''.

§ 300–2.22 [Corrected]

2. On page 58195, in §300–2.22, in the third column of the table, in the second line ''Subparts A, B, C, D, E, F and G'' should read ''Subparts B, C, D, E, F, and G.''

§ 302–3.101 [Corrected]

3. On page 58202, in §302–3.101, in Table B, in column 2, number 5, in the second line ''301'' should read ''302''.

§302–3.228 [Corrected]

4. On page 58206, in the second column, ''Subpart D'' should read ''Subpart D–Relocation Separation''.

5. On the same page, in the same column, ''Overseas to U.S. Return for Separation'' is an undesignated heading.

Subpart C [Corrected]

6. On page 58211, in the second column, under Subpart C, in the Table of Contents, ''302–094.201'' should read '' 302–4.201''.

§ 302–9.205 [Corrected]

7. On page 58229, in §302–9.205, in the first column, in the table, paragraph (b)(2), in the fifth line ''or.'' should read ''or''.

§ 302–11.104 [Corrected]

8. On page 58234, in §302–11.104, in the first column, in the table, under the heading ''Date'' in the second line, ''notified of the'' should read ''first notified of the''.

§ 302–17.8 [Corrected]

9. On page 58251, in the third column, in §302–17.8, ''W=CMTR for Year 2F'' should read ''W=CMTR for Year 2''.

10. On the same page, in the same column, the equation should read

$$Z = \frac{.3903}{1.00-.3448}\left(\$21{,}800\right) - \frac{1.00-3903}{1.00-.3448}\left(\$5{,}450\right)$$

§ 302–17.10 [Corrected]

11. On page 58253, in the first column, in §302–17.10, in the table, ''Spouse (if filing jointly...'' should read ''Spouse (if filing jointly[1]''.

§ 302–17.13 [Corrected]

12. On page 58255, in §302–17.13, in Appendix C, in the fourth column of the table, ''Married Filing jointly qulifying'', should read ''Married Filing jointly qualifying''.

[FR Doc. C1–27764 Filed 2–14–02; 8:45 am]

BILLING CODE 1505–01–D

Corrections

Federal Register

Vol. 67, No. 32

Friday, February 15, 2002

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300–2, 302–3, and Ch. 302

[FTR Amendment 98]

RIN 3090–AG93

Federal Travel Regulation; Relocation Allowances

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Subpart C [Corrected]

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[FR Doc. C1–27764 Filed 2–14–02; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
February 15, 2002

Part II

Federal Reserve System

12 CFR Part 203

Home Mortgage Disclosure; Final and Proposed Rule

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R–1001]

Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; staff interpretation.

SUMMARY: The Board is amending Regulation C (Home Mortgage Disclosure) and the commentary interpreting the regulation. The Board's amendments to Regulation C expand the coverage of nondepository lenders by adding a $25 million dollar volume test to the existing percentage-based coverage test. The amendments require lenders to report data items related to loan pricing; for loan originations in which the annual percentage rate (APR) exceeds the yield for comparable Treasury securities by a specified amount or threshold, the lender will report the spread or difference between the APR and the Treasury yield. The Board has tentatively set the thresholds at 3 percentage points for first lien loans, and 5 percentage points for second lien loans, but is seeking comment on these thresholds in a separate proposed rule published in today's **Federal Register**. Lenders also must report whether a loan is covered by the Home Ownership and Equity Protection Act (HOEPA). The final rule also requires lenders to report whether an application or loan involves a manufactured home.

The Board is revising certain definitions in the regulation. The definition of an application is revised to include a request for preapproval as defined in the regulation, for purposes of reporting denials of such requests. To promote consistency in the reported data, the definition of a refinancing, and the definition of a home improvement loan are revised. In addition, the amendments conform the collection of data on race and ethnicity to standards established by the U.S. Office of Management and Budget in 1997. The Board also has reorganized the regulation and made other technical changes.

DATES: This rule is effective on January 1, 2003. Compliance is mandatory for collection of data that begins on January 1, 2003, which is to be submitted to supervisory agencies no later than March 1, 2004.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Counsel, Kathleen C. Ryan, Senior Attorney, or Dan S. Sokolov, Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–3667 or (202) 452–2412. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background on HMDA and Regulation C

The Home Mortgage Disclosure Act (HMDA; 12 U.S.C. 2801–10) has three purposes. One is to provide the public and government officials with data that will help show whether lenders are serving the housing needs of the neighborhoods and communities in which they are located. A second purpose is to help public officials target public investment to promote private investment where it is needed. A third purpose is to provide data that assist in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes.

HMDA accordingly requires certain depository and for-profit nondepository lenders to collect, report, and disclose data about originations, purchases, and refinancings of home purchase and home improvement loans. Lenders must also report data about applications (including certain preapproval requests) that did not result in originations.

The Board's Regulation C implements HMDA. Regulation C generally requires that lenders report data about:

- *Each application or loan,* including the application date; the action taken and the date of that action; the loan amount; the loan type and purpose; and, if the loan is sold, the type of purchaser;
- *Each applicant or borrower,* including ethnicity, race, sex, and income; and
- *Each property,* including location and occupancy status.

Lenders report this information to their supervisory agencies on an application-by-application basis using a loan application register format (HMDA/LAR). Lenders must make their HMDA/LARs—with certain fields redacted to preserve applicants' privacy—available to the public. The Federal Financial Institutions Examination Council (FFIEC), acting on behalf of the supervisory agencies, compiles the reported information and prepares an individual disclosure statement for each institution, aggregate reports for all covered lenders in each metropolitan area, and other reports. These disclosure statements and reports are available to the public.

The Board began the current review of Regulation C in March 1998 by publishing an Advance Notice of Proposed Rulemaking (Advance Notice; 63 FR 12329 (March 12, 1998)). The Advance Notice solicited comment on several specific issues, as well as generally on potential revisions to Regulation C. The specific issues related to the reporting of preapprovals; revising the definitions of reportable refinancings and home improvement loans; coverage of purchased loans, construction loans, and manufactured home loans; and reporting the reasons for a credit denial. The Board received approximately 100 comment letters. Most commenters addressed only the issues identified in the Advance Notice; others raised additional issues.

Subsequently, the Board received further suggestions for revising Regulation C, many reflecting increased public and agency concern about predatory lending. For example, the Department of Housing and Urban Development and the Department of the Treasury held hearings on predatory lending and in June 2000 issued a report, *Curbing Predatory Home Mortgage Lending,* that included recommended changes. The Board received other suggestions at public hearings that the Board held on possible changes to the Home Ownership and Equity Protection Act (HOEPA) during the summer of 2000.

In December 2000, the Board published for public comment a proposal to amend Regulation C. 65 FR 78656 (Dec. 15, 2000). The proposed amendments: (1) Extended coverage of HMDA to more nondepository lenders; (2) simplified the definitions of reportable refinancing and home improvement loans; (3) required reporting of requests for preapprovals as defined in the regulation; (4) required reporting of home-equity lines of credit; and (5) required reporting on additional items of data, including the annual percentage rate (APR), whether a loan is subject to HOEPA, and whether a loan or application involves a manufactured home.

The Board received almost 300 comments. Most of the commenters—including lenders and related trade associations, community and civil rights groups, and law enforcement agencies—supported expanding the coverage of nondepository lenders. They believed that coverage of these lenders would provide more complete information about the mortgage market and would also result in a more level playing field for depository lenders.

Commenters were divided on all other aspects of the proposal. Many lenders and other industry commenters supported simplification of existing loan categories. Many of these commenters, however, did not want to

report additional loans and applications because of concerns about burden. Most lenders were opposed to reporting pricing and other new data items because of concerns about burden and about the potential public misinterpretation of the resulting data. Community groups, civil rights groups, and law enforcement agencies generally supported the revised definitions of reportable loans and applications and the new data items, to assist in enforcement of fair lending laws and to provide better and more consistent information about the mortgage market.

II. Summary of the Final Rule

Based on the comments and its own further analysis, the Board is amending Regulation C as set forth below. For each of the amendments to the regulation, the Board weighed the potential benefit and burden that would result. The Board also considered each proposed change in light of the aggregate benefit and burden of all of the proposed changes. The final rule is substantially similar to the proposal, with some revisions to reduce burden and improve the quality of the data.

Coverage of nondepository lenders is expanded by adding a dollar volume threshold of $25 million to the current loan-percentage test, to ensure that nondepository lenders in the business of mortgage lending are covered as required by the statute.

The definitions of reportable loans have been revised to ensure better and more useful data. The final rule revises the definition of a reportable refinancing to cover transactions in which a new obligation satisfies and replaces an existing obligation, where both the existing and the new loan are secured by a lien on a dwelling. The final rule amends the definition of a home improvement loan to cover dwelling-secured loans that are made in whole or in part for home improvement purposes. For home improvement loans not secured by a dwelling, the rule is unchanged: these loans are reported only if they are for home improvement purposes and the lender classifies them as home improvement loans. The current rule also remains unchanged for home-equity lines of credit: lenders report HELOCs at their option, and report only the amount of the line intended for home improvement or home purchase purposes.

The final rule adopts the proposal to revise the term ''application'' to include preapprovals in which a lender issues a written commitment to lend to creditworthy borrowers up to a specific amount and for a specific time, subject to limited conditions such as locating a suitable property. Lenders are required to report denials of preapprovals as defined in the final rule, as well as preapprovals that result in a loan origination (these are already reported but are not currently distinguished from other applications). A lender may but is not required to report preapproval requests that are approved but not accepted by the applicant.

Additional data items are required under the final revisions to Regulation C to improve understanding of the mortgage market, including the subprime market, and assist in enforcing fair lending laws. The additional items are:

- For originated loans where the APR exceeds the yield on Treasury securities with comparable maturity periods by a specified amount, the rate spread or difference between the APR on the loan and the Treasury yield;
- Whether a loan is subject to the Home Ownership and Equity Protection Act; and
- Whether a loan or application involves a manufactured home.

The Board is adopting the proposed changes to the rules for collecting and reporting information on ethnicity and race of applicants, to conform to guidance issued in 1997 by the Office of Management and Budget (''OMB''). The Board is separately soliciting comment on whether to revise the rule on collecting information about the applicant's ethnicity, race, and sex for applications taken entirely by telephone; under the proposal published in today's **Federal Register**, a lender would be required to ask for the monitoring information in telephone applications, consistent with the existing rule for mail and Internet applications.

In the December 2000 proposal, the Board solicited comment on an alternative system for categorizing loans, under which the categories reported would be (1) home purchase loans (subdivided into first and junior liens), (2) other mortgage loans (similarly subdivided), (3) home-equity lines of credit, and (4) unsecured home improvement loans.

Some commenters supported the alternative system. Many commenters, including financial institutions and community groups, were opposed. Industry commenters argued that the burden of reprogramming and retraining staff would be very large, and that historical trend analyses of HMDA data would be adversely affected because new data would be inconsistent with data from earlier years. Some commenters believed that the alternative system would reduce the utility of the data, since data on secured home improvement loans and refinancings would be indistinguishable from other loans. A number of commenters advocated other alternatives in which categories of loans would be further broken down into various subcategories.

Based on the comments and its own analysis, the Board has decided not to adopt the proposed alternative system.

III. Section-by-Section Analysis of Final Rule

The following discussion generally tracks the regulation (including appendices) as amended by the Board. Revisions to the staff commentary are addressed under the sections of the regulation that they interpret. Rules or interpretations that the Board has not revised are also discussed under the pertinent sections. Conforming and non-substantive changes to the regulation and commentary generally are not discussed.

Section 203.2 Definitions

2(b) Application

Requests for preapproval. The Board proposed to cover certain requests for preapprovals of home purchase loans. The definition proposed covered those preapproval programs in which a creditor issues a creditworthy applicant a written commitment to extend credit that specifies the maximum amount of credit that it commits to extend and the period of time during which the commitment remains valid. The commitment letter may state limited conditions, such as identification of a property or verification of no material change in the borrower's creditworthiness. This definition does not cover prequalification programs, in which the underwriting is less rigorous and the lender makes no binding written commitment.

Commenters were divided on whether lenders should be required to report preapproval requests. Many commenters, including community and civil rights groups, federal law enforcement agencies, and a few lenders, urged the Board to adopt the proposed rule. Collecting data on preapproval requests, they stated, would better reflect market activity in the home purchase market, consistent with HMDA's purposes. Preapproval data would also facilitate enforcement of antidiscrimination laws.

Many other commenters, primarily financial institutions and their trade associations, were opposed to covering preapproval requests under Regulation C. These commenters generally believe

that the burden of collecting preapproval data would outweigh the utility of the data. Commenters stated, for example, that the number of transactions reported would greatly increase, staff would have to be trained, and software and collection procedures would have to be changed. Commenters also stated that the data would not serve the purposes of HMDA—to provide information on whether lenders were meeting the housing needs of their communities—as property location would be available only for those preapproval requests that later resulted in originations.

The statute requires lenders to report action taken on applications, and the Board believes that requests for preapproval as defined in the proposal and final rule represent credit applications.[1] The final rule provides that lenders must report preapproval requests that are denied under defined programs, and that lenders may, at their option, report preapproval requests that are approved but not accepted by the applicant. Under the final rule, lenders will continue to report preapprovals that are approved and that result in loan originations; lenders will distinguish such loan originations from other loans by the use of separate codes.

The preapproval programs covered by the final rule involve decisions based on a comprehensive credit underwriting in which a lender collects and reviews the information it typically collects and reviews in making a credit decision on a traditional application. For a preapproval program to be covered, the lender must issue a binding written commitment for approved applicants or deny the request and issue an adverse action notice under Regulation B, based on the lender's review of the applicant's credit record.

The final rule also provides that a covered preapproval may be subject only to a limited set of conditions. These are identification of a property; verification that the applicant's financial situation has not changed since the request was approved; and other conditions unrelated to creditworthiness that are typically included in traditional loan commitments (such as satisfactory completion of a home inspection or proof of a termite inspection). A staff comment provides guidance on these limited conditions.

Data on denials of preapproval requests will provide more complete data on the availability of home financing, and will be useful in fair lending enforcement. As with traditional applications, these preapproval data will allow comparisons of minority and non-minority populations that will serve as useful screening devices to help identify underwriting processes and practices that may warrant scrutiny. While geographic information will not be available for preapprovals that do not lead to originations, the data will nevertheless be useful for fair lending analyses; preapproval programs are, by definition, not about geographic issues but about the financial strength and creditworthiness of the applicants.

The final rule requires lenders to report denials of preapproval requests, and to designate those loan originations (which are already reported) that were initiated under a covered preapproval program. Lenders may also, however, wish to report preapproval requests that are approved but not accepted by the applicant, in order to put into context the preapproval requests that are denied. Accordingly, the revised rule permits, but does not require, lenders to report preapproval requests that fall into this category.

Under the final rule, lenders will not report preapproval requests that are withdrawn or incomplete. The Board believes that the proportion of preapproval requests that are withdrawn or closed for incompleteness is likely to be relatively small; for traditional mortgage applications, the HMDA data show that in 2000 approximately 7 percent were withdrawn by the applicant and 2 percent were closed by the institution for incompleteness. Thus, the Board believes that any benefit from these data does not warrant the burden of reporting the information.

The Board asked for comment on the relative benefit of a code to identify preapprovals. Nearly all commenters, including those opposed to coverage of preapprovals, stated that the data on preapprovals would be of little use unless lenders differentiate requests for preapproval from other applications. Commenters believed that without a code for preapprovals, denial rates would be artificially inflated. Commenters mistakenly believed that lenders would have to report as denials all of the preapproval requests the lender approved that do not lead to loans with the lender. (Such requests would not be reported as denials under the final rule.) Still other commenters were concerned that without a separate code, double counting would occur where a lender approves a preapproval request and subsequently originates the loan. Based on comments and on further analysis, the final rule requires lenders to distinguish preapproval requests from other applications in their data reporting.

Other matters. The definition of an application has been revised to refer to ''procedures used by a financial institution.'' This focuses the definition on what institutions actually do, rather than what their procedures state.

2(d) Dwelling

The staff commentary has been revised to indicate that the term ''dwelling'' does not apply to transitory residences such as college dormitories. This responds to requests that the Board clarify the meaning of the term ''dwelling.''

2(e) Financial Institution

HMDA covers nondepository lenders that are ''engaged for profit in the business of mortgage lending.'' 12 U.S.C. 2802. Regulation C provides that a nondepository mortgage lender is covered if in the preceding year its home purchase loan originations, including refinancings of home purchase loans, equaled or exceeded 10 percent of all its loan originations (by dollar volume).[2] Some nondepository lenders originate significant numbers of reportable loans, but because these lenders are also heavily engaged in other types of lending (credit card lending and other consumer lending, for instance) they are not currently covered by HMDA. Coverage of these lenders' mortgage activity could provide more complete information on the mortgage market.

The Board proposed to address the coverage issue by preserving the existing percentage-based test and adding a dollar-volume test. A nondepository lender would be covered by Regulation C if its prior-year home purchase loan originations, including

[1] Preapprovals and prequalifications emerged in the mortgage market in the early 1990s. In 1995, the Board revised the staff commentary to Regulation C to provide that prequalifications are not applications under Regulation C. 60 FR 63393 (Dec. 11, 1995). The Board deferred action on preapprovals, however, and instructed lenders not to report them under Regulation C because there was no common industry definition of a preapproval as distinct from a prequalification. The Board stated, however, that it might consider amending Regulation C at a later time to address whether lenders should report preapprovals.

[2] In addition, a nondepository lender is exempt from Regulation C if its total assets, combined with those of any parent corporation, were $10 million or less on the preceding December 31, and if the institution originated fewer than 100 home purchase loans (again, including refinancings of home purchase loans) in the preceding calendar year. There is also a location test, under which a nondepository lender is exempt if on the preceding December 31 it had no office in a metropolitan area, and received applications for, originated, or purchased fewer than five home purchase or home improvement loans in a metropolitan area in the preceding calendar year.

refinancings of home purchase loans, equaled or exceeded $50 million even if they did not equal or exceed 10 percent of total originations. The Board estimated that a $50 million threshold would result in coverage of a nondepository institution making approximately 400 to 500 mortgage loans annually (based on a national average of $125,000 for home purchase loans). Comment was solicited on whether $50 million was an appropriate threshold.

Commenters, including industry, community groups, and law enforcement agencies, supported expanding coverage of nondepository lenders. Many depository lenders asserted that greater coverage of nondepository lenders would create a more level playing field for all lenders. Commenters also stated that expanded coverage of nondepositories could provide the agencies and the public with more information about the subprime market.

Different views were expressed, however, on the best approach for expanding coverage of nondepository lenders. Many commenters supported a dollar-volume threshold, but argued that the proposed $50 million threshold was too high. Some industry commenters suggested lowering the dollar-volume threshold to as low as $5 million. Other commenters urged the Board to drop the proposed dollar-volume threshold and to adopt instead a number-of-loans test to address markets where the average loan amount is smaller than the national average. Some commenters pointed out that in some regions of the country, the average home purchase loan amount is less than the national average of $125,000. For example, HMDA data and data provided by the National Association of Realtors indicate that the average home purchase loan amount in the South is approximately $93,000.

Still other commenters, including some community groups and federal agencies, suggested eliminating the 10 percent test. These commenters asserted that a lender's impact on a local or broader home mortgage market is a better measure of whether the lender is in the business of mortgage lending than the relationship between the lender's home mortgage lending and its total loan originations.

The Board is adopting a dollar-volume threshold of $25 million. Based on the national average home purchase loan amount, a dollar-volume threshold of $25 million would result in coverage of a nondepository institution that originates approximately 200 home purchase loans annually. HMDA data show that, on average, a lender with 200 loan originations per year receives approximately 400 applications annually. The Board believes that a lender receiving this volume of home purchase loan applications per year is engaged ''in the business of mortgage lending.''

Other matters. As part of the reorganization of the regulation, coverage criteria that used to appear in section 203.3—''Exempt Institutions'' are consolidated under the definition of ''financial institution'' in section 203.2(e). Correspondingly, several comments have been moved from section 203.3 to section 203.2(e) of the staff commentary.

2(f) Home-Equity Line of Credit

The current regulation *permits,* but does not *require,* reporting of home-equity lines of credit (HELOCs), as home improvement or home purchase loans, depending on the purpose of the credit line. If a lender opts to report HELOCs, it reports only the amount of the line intended for home improvement or home purchase purposes at the time of the application.

The Board proposed to require lenders to report all HELOCs, regardless of the purpose of the credit line. The proposal was based on research showing that about 70 percent of all HELOCs are used at least in part for home improvement purposes. The Board proposed creating a separate category for HELOCs to facilitate comparisons between the markets for home-secured lines of credit and closed-end home improvement loans, which have distinct demographic characteristics. To simplify reporting of HELOCs, the Board proposed to require lenders to report the full amount of the credit line, rather than the amount intended to be used for home improvement (or home purchase) purposes.

A number of commenters, including some lenders, supported the proposal to mandate the reporting of HELOCs as a separate loan category. Many others were opposed, however, contending that the change would result in a very large increase in the volume of loans reported under HMDA. In response to the proposal's request that commenters rank the proposed changes in order of burden and benefit, some industry commenters ranked reporting all HELOCs as one of the most costly and least beneficial changes. Many commenters also stated that most HELOCs are *not* used for home improvement, but for purposes (such as college tuition and debt consolidation) that are unrelated to HMDA's purposes.

The Board has retained the current rule regarding HELOCs. Reporting of HELOCs remains optional. See section 203.4(c)(3). Collecting data on all HELOCs for home improvement and home purchase purposes would give a more complete picture of the home mortgage market, but it would result in increased burden. The Board believes that the benefit of collecting information on all HELOCs, when ranked with other changes presented in the final rule, such as the pricing information, does not support the increased reporting burden.

Lenders that report HELOCs will continue to report only that part of the line that is intended for home purchase or home improvement purposes. Some commenters—including those who opposed the proposal to require reporting of HELOCs—supported reporting the entire amount of the line because it would reduce burden. Other commenters noted that many HELOCs are never drawn upon. The Board believes that reporting the entire amount of the line could overstate the amount of home improvement and home purchase lending.

Other matters. The Board is adopting the proposal to clarify the term ''home-equity line of credit'' as an open-end credit plan secured by a dwelling as defined in Regulation Z (12 CFR part 226).

2(g) Home Improvement Loan

The current rule defines a home improvement loan as a loan made in whole or in part for home improvement purposes, and classified by the lender as a home improvement loan. Thus, a lender may avoid reporting loans made for home improvement purposes by not classifying them as home improvement loans. Although the classification test for home improvement loans has reduced burden on the industry, the resulting data have been of limited usefulness. A loan is reported as a home improvement loan only if a lender classifies it as such. Lenders' classification schemes can vary greatly. The same type of loan might be classified as a home improvement loan by one lender but not by another.

To address these issues, the Board proposed to change the treatment of home improvement loans by dropping the classification test. Under the proposal, any loan made in whole or in part for home improvement purposes would be reported as a home improvement loan, regardless of how the institution classified the loan.

The Board is adopting the proposal with modifications. The final rule differentiates between secured and unsecured home improvement loans as follows: (1) The classification test is eliminated for dwelling-secured loans,

but (2) the classification test is retained for home improvement loans not secured by a dwelling.

Dwelling-Secured Home Improvement Loans. Commenters expressed concern about the burden that would be imposed on lenders if they have to ascertain the purpose of every credit product they offer, including credit cards. The Board believes that, for dwelling-secured loans, it should not be unduly burdensome for lenders to ascertain the intended purpose of the loan proceeds because of the level of documentation and of interaction between lender and applicant in such loan applications.

In determining whether loan proceeds are intended for home improvement purposes, lenders may rely on applicants' statements, and are not required to take other steps to determine loan purpose. One method suggested in the proposal for lenders to determine whether a loan is intended for home improvement purposes was a check-box on a loan application form. Some commenters were concerned that if application forms contain check-boxes with a number of choices including home improvement, applicants may tend to check home improvement even if they are not sure they will use the loan for that purpose. The final rule does not require a lender to use a check box; instead, for example, an application form might contain a blank in which the applicant could enter the purpose of the loan, without any prompting or limiting of choices.

Non-Dwelling-Secured Home Improvement Loans. The final rule retains the classification test for home improvement loans not secured by a dwelling, so that reporting of such loans and applications will continue to hinge on lenders' own classification systems. Retention of the classification test will mitigate substantially the burden that commenters were concerned about. Lenders would not have to report an unsecured loan as a home improvement loan for HMDA purposes if the institution classifies it otherwise.

Other matters. The Board believes the data on home improvement lending will be more useful by the reporting of lien status, as the revised definition of a home improvement loan turns on whether the loan is dwelling-secured. Thus the Board is separately seeking additional public comment on whether lenders should be required to report lien status, in a notice published in this issue of the **Federal Register**.

2(h) Home Purchase Loan

The Board proposed to clarify, in an addition to the staff commentary, that if an institution making a first mortgage loan also makes a second mortgage loan that finances part or all of the borrower's downpayment, the institution reports each loan separately as a home purchase loan. A few comments were received on this issue. One financial trade association asserted that the two loans should be reported as one to reduce burden on institutions; another commenter supported the proposal but believed the number of home purchase loans would be overstated unless the Board required institutions to differentiate these second mortgages from others. The final rule is identical to the proposal. The Board believes that reporting these two loans separately more accurately reflects a lender's home purchase lending, as both loans are made for the purpose of home purchase.

2(i) Manufactured Home

The Board is adopting the proposed definition of ''manufactured home.'' See the discussion under section 203.4(a)(5) regarding property type.

2(j) Metropolitan Area

The Board amends the regulation, as proposed, to replace the term ''metropolitan statistical area'' with ''metropolitan area,'' the term now used by the Office of Management and Budget (OMB). ''Metropolitan area'' will have the same meaning as ''metropolitan statistical area'' does currently. In December 2000, OMB adopted revised standards for defining metropolitan and micropolitan statistical areas; the new standards replace the 1990 standards for defining metropolitan areas. (65 FR 82228 (December 27, 2000)). OMB has stated that it plans to announce definitions of areas based on the new standards and Census 2000 data in 2003.

2(k) Refinancing

Regulation C requires a lender to report refinancings of home purchase and home improvement loans. A refinancing is defined as a transaction in which a new obligation satisfies and replaces an existing obligation by the same borrower. Currently, the regulation allows lenders to select from among four scenarios in deciding which refinancings to report:

(1) The existing obligation was a home purchase or home improvement loan, as determined by the lender (for example, by reference to available documents);

(2) The applicant states that the existing obligation was a home purchase or home improvement loan;

(3) The existing obligation was secured by a lien on a dwelling; or

(4) The new obligation will be secured by a lien on a dwelling.

This rule was adopted to ease compliance burden by providing flexibility, but it generates inconsistent data among HMDA reporters to the extent that different lenders choose different scenarios to determine which refinancings to report. Consequently, it is impossible for the data user to know what the data represent.

To remove this inconsistency, the Board proposed to define a refinancing as a transaction in which a new obligation satisfies and replaces an existing obligation by the same borrower, where both the existing and the new obligation are secured by a lien on a dwelling. The proposed definition would reduce the inconsistency of refinancing data, because all lenders would report using a single two-pronged test.

The Board also solicited comment on an alternative definition. Under the alternative, a refinancing would be defined as a transaction in which a new obligation satisfies and replaces an existing obligation by the same borrower and the new obligation is secured by a lien on a dwelling. This definition would capture not only refinancings where the old obligation was dwelling-secured, but, in addition, refinancings of unsecured debt in which the new obligation is dwelling-secured. Under this formulation, for example, a lender that pays off a consumer's existing unsecured loan by extending a new, dwelling-secured loan to that consumer would report the new loan.

Some commenters opposed any revision in the definition of refinancing, on the grounds that it would reduce flexibility for the industry. Other commenters argued that the proposed definition would impose burden on industry, in that a lender may not know the lien status of the existing obligation, particularly at the time of application. These commenters favored the alternative definition. More commenters supported the proposed definition (both the existing and new loan secured by a lien on a dwelling), acknowledging that the flexibility in the current definition results in inconsistent data.

The Board is revising the definition of refinancing as proposed; under the final rule, reportable refinancings are those in which both the existing and the new loan are secured by a lien on a dwelling. (Lenders may rely on a borrower's statement about whether the loan being refinanced is dwelling-secured.) This definition will avoid covering refinancings of unsecured debt, which could result in a substantial increase in the volume of loans reported, and thus

in the reporting burden. It also will reduce the inconsistency of the data.

MECAs. The Board did not propose any change regarding the status of modification, extension, and consolidation agreements (MECAs). MECAs are not reported because they do not meet the definition of a refinancing (satisfaction and replacement of an existing mortgage loan). A few commenters asserted, however, that MECAs should be reported because they substitute for traditional refinancings in some states, such as New York and Texas, to avoid mortgage recording fees and taxes.

The final rule does not include MECAs as reportable under HMDA. The existing definition of a refinancing establishes a bright-line test for reportable transactions. The Board believes that MECA data may be useful in certain instances, but that, under the existing loan classification scheme, the advantages of a bright-line test for determining whether a transaction should be reported—especially in reducing compliance burden—outweigh the benefits of additional data on these transactions. Therefore, the Board has not revised the definition of refinancing to include MECAs.

Section 203.4—Compilation of Loan Data

4(a) Data Format and Itemization

The Board had proposed to revise the introductory material in section 203.4(a) to refer to home-equity lines of credit as a distinct category. The final rule does not include this revision because, as discussed below, the Board did not adopt the proposal to require reporting of home-equity lines of credit.

4(a)(1) Application Date

The Board is not adopting proposed comment 4(a)(1)–5, which was intended to clarify when an application is received. The proposed comment provided that the date an institution receives an application is the date on which the institution or its agent first takes possession of a completed copy of the application. Several financial institutions expressed concern, however, that the comment could create confusion. They believed that the comment suggested that ''completed application'' has a different meaning under Regulation C than under Regulation B. Commenters also opposed the reference to the creditor's ''agent,'' noting that the law of agency varies from state to state and thus the data could be inconsistent.

4(a)(3) Purpose

The Board has reorganized the loan application register to clarify the data categories, by separating the purpose of the loan from the type of property involved.

4(a)(4) Preapprovals

The loan application register has been revised to provide for the reporting of certain preapproval requests. See the discussion under section 203.2(b) ''application.''

4(a)(5) Property Type—Manufactured Housing Status

The Board proposed to require lenders to identify loans involving manufactured housing, which are underwritten differently from other types of housing loans and tend to have higher denial rates. Commenters were divided on this issue. Many commenters—including community and civil rights groups and the federal agencies charged with enforcing the fair lending laws—favored distinguishing loans and applications for manufactured homes from other transactions. They believed that doing so would improve the public's ability to understand the home mortgage market and would make HMDA data more useful for fair lending purposes.

Many other commenters, including most lenders and their trade associations, were opposed to identifying manufactured home loans. These commenters said that the additional data would be of limited value because there have been no reports of abusive behavior in the manufactured home loan market. They believe that requiring lenders to identify manufactured home loans would not be worth the burden the requirement would entail.

Some commenters stated that lenders do not always know whether an application is for a loan to be secured by manufactured housing. It was suggested that if the Board adopts the proposal, the loan application register must allow a reporter to indicate when it does not know whether the application involves a manufactured home. Commenters also asserted that lenders are not familiar with the proposed definition of manufactured housing found in HUD regulations. Some commenters believed that loan officers would have to review loan applications and files to determine if the property involved met the specifications in the HUD definition.

The Board believes that identifying applications and loans involving manufactured housing will improve the utility of HMDA data. As in the proposal, the final rule provides that manufactured home loans will be identified using the definition that appears in the HUD regulation that establishes construction and safety standards for manufactured homes. Although some commenters suggested reproducing the text of the HUD definition in Regulation C, the Board has opted to incorporate the definition by reference, so that if HUD revises the text of its regulation in the future, changes to Regulation C will not be necessary. The HUD definition is accepted by the manufactured home industry and establishes a clear definition for HMDA reporters. If a lender does not know at the time of application—and cannot determine through reasonable means—whether a loan is for a manufactured home, the lender reports the property type as a one-to four-family dwelling.

4(a)(8) Type of Action Taken and Date

Counteroffers. A new comment is adopted to clarify that an institution must report a denial on the original terms requested by the applicant when the institution makes a counteroffer—such as an offer of a different amount of credit from the amount requested—and the applicant does not accept the counteroffer or fails to respond. See comment 4(a)(8)–1.

Underwriting conditions. The staff commentary provides that if an institution issues a loan approval subject to the applicant's meeting underwriting conditions, other than customary conditions, and the applicant does not meet them, the institution must report the action taken as a denial. The Board proposed to delete the exclusion for ''customary conditions'' from this comment, because institutions expressed confusion about the scope of this term, and the Board believed that it was impractical to make the term precise and comprehensive.

Commenters—primarily financial institutions—opposed the deletion of the exclusion for customary conditions. They stated that without the exclusion, a lender would be viewed as having denied an application when the loan was not originated due to circumstances outside the lender's control, such as title difficulties. One commenter argued that customary conditions could be defined as verification of employment, amount of compensation, appraised value, and insurability. Another commenter suggested that loans within the exclusion should be reported as approved but not accepted. Based on the comments and on its own analysis, the Board has retained the exclusion for

customary conditions. The Board continues to believe, however, that defining customary conditions is not practicable, given the wide variety of practices among lenders. Thus the comment continues to provide illustrative examples of customary conditions. See comment 4(a)(8)–4.

Other matters. As part of the reorganization of the regulation, the Board has moved some material regarding the date action is taken from Appendix A to the staff commentary. See comment 4(a)(8)–7.

4(a)(10) Ethnicity, Race, Sex and Income

See Appendix A, paragraph I.D.3. and 4, and Appendix B, below, regarding changes to the appendices to conform collection of ethnicity and race data under Regulation C to OMB guidance. For ethnicity, the standards provide for data on whether individuals are Hispanic or Latino, or do not fall within this category. The revised standards prescribe five racial designations: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White. The standards eliminate the option of designating ''Other.'' The standards also require that respondents be offered the option of selecting one or more designations. 62 FR 58782, 58786 (October 30, 1997).

To achieve complete conformity with these guidelines, the Board is modifying the appendices. As proposed, the appendices combined the questions of race and Hispanic or Latino ethnicity. OMB recommends that the question of Hispanic ethnicity be posed separately from the question of race in all cases of self-identification. Therefore, Appendices A and B as adopted separate the questions of ethnicity and race and, as OMB recommends, pose the ethnicity question first.

Many industry commenters objected to the proposal. Some cited the cost of converting their data collection systems. The Board believes, however, the compliance burden is outweighed by the importance of uniform adoption of the standards throughout the federal government. The Board also notes that these objections were considered by the OMB before it promulgated the new standards. See 62 FR at 58784 (summarizing comments opposing multiple-race reporting on grounds of increased costs).

Some commenters were concerned that the new system would confuse applicants as well as employees of lenders who have to designate the race and ethnicity of applicants by visual observation. The Board believes that any confusion among lenders' employees can be mitigated by appropriate and timely training. Although some industry commenters requested guidance on designating race under a regime that permits multiple designations, the Board is not revising existing guidance, which provides that designations be made to the extent possible.

Some commenters contended that data collected under the revised standards would not enable proper fair lending assessments. For instance, some commenters expressed concern that permitting multiple designations of race would make it difficult to interpret the data for fair lending purposes. OMB has published guidance on how to aggregate and allocate multiple-race responses. See OMB Bulletin No. 00–02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement (March 9, 2000) at *http://www.whitehouse.gov/omb/bulletinsib00–02.html*). Some commenters also expressed concern that data collected under the new standards would not be comparable to data collected under the old standards. OMB has addressed this issue as well. See Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity (December 15, 2000), Appendix C, The Bridge Report: Tabulation Options for Trend Analysis (available at *http:www.whitehouse.gov/omb/inforeg/r&e_app-c&tables.pdf*).

Applications Taken by Telephone. The Board proposed to revise Appendix B to codify a longstanding interpretation that, if an application is made entirely by telephone, the reporting institution is permitted, but not required, to request data on race or ethnicity and sex. Many commenters expressed concern that this interpretation may have contributed to declining response rates to these questions. HMDA data show that from 1993 to 2000, the proportion of home loan applications of all types with missing race or ethnicity data increased from about 8 percent to about 28 percent. Missing data about the applicant's sex has increased at about the same rate.

It is not clear what proportion of this missing information is attributable to telephone applications. Applicants by mail and Internet may have declined to provide the information, even though asked, as required, by the lender. The Board believes, however, that at least part of the substantial decline in response rates regarding race and ethnicity may be explained by the apparent increase in lenders' use of the telephone to take applications. Thus the Board has published a separate notice in today's **Federal Register**, proposing to conform the current rule for telephone applications to the rule applicable to mail and Internet applications. For a discussion of the issue and information about how to submit comments, please refer to the Board's notice published elsewhere in today's **Federal Register**.

4(a)(12) and (13) Additional Data Items Related to Loan Pricing

The statutory findings and purposes section of the Home Mortgage Disclosure Act refers to lenders' responsibilities ''to provide adequate home financing to qualified applicants on reasonable terms and conditions,'' and to the goal of providing the enforcement agencies and the public ''with sufficient information to enable them to determine whether [lenders] are filling their obligations to serve the housing needs of the communities and neighborhoods in which they are located * * *.''[3] In addition, the 1989 amendments to the act, requiring reporting of racial characteristics, sex, and income, made clear that another goal of the statute is strengthening enforcement of fair lending laws.[4] The Congress provided that the Board ''shall prescribe such regulations as may be necessary'' to carry out these purposes.[5]

Obtaining loan pricing data is critical to address fair lending concerns related to loan pricing and to better understand the mortgage market, including the subprime market. The mortgage marketplace has changed significantly since HMDA was enacted and continues to evolve. Along with a substantial growth in the subprime market has come increased variation in loan pricing, generally related to an assessment of credit risk. In light of these changes, the Board believes that the collection of loan pricing information is necessary to fulfill the statutory purposes of HMDA and to ensure the continued utility of the HMDA data. The Board is revising the regulation to require lenders to report data regarding loan pricing (the rate spread and HOEPA status, as described below). The Board also believes information on lien status would make pricing data more useful, and is separately seeking comment in today's

[3] HMDA § 302(a) and (b), 12 U.S.C. 2801(a) and (b).

[4] ''A primary purpose of such reporting [under HMDA] is to assist regulatory agencies in identifying possible discriminatory lending patterns that warrant closer scrutiny.'' H. Conf. Rep. 101–222, p. 459 (Aug. 4, 1989) (report accompanying legislation adding racial characteristics, sex, and income). ''The conferees placed highest priority on the collection of analytically useful data by means of which to identify and eliminate discriminatory lending practices.'' Id.

[5] HMDA § 305(a), 12 U.S.C. 2804(a).

Federal Register on whether it should amend Regulation C to require lenders to indicate lien status for applications and loans.

Annual Percentage Rate. HMDA data currently include no information on loan pricing. The Board proposed to require that lenders report the annual percentage rate (APR) charged on a loan. This information would facilitate identification of subprime loans, which have different characteristics, such as higher denial rates, from other mortgage loans. Pricing information could also help identify practices that raise potential fair lending concerns warranting further investigation.

The Board proposed to require reporting of the APR only for home purchase and home improvement loans that are covered by the Truth in Lending Act (TILA) for which the lender is required to disclose the APR to the consumer. Thus, APR reporting would not be required, for example, on an application withdrawn before the lender is required to disclose the APR, or on a loan made to a corporate borrower and therefore not covered by TILA, which applies only to credit extended for consumer purposes.

Lenders and their trade associations generally opposed the collection of the APR based on a belief that the data obtained would not be useful enough to justify the burden imposed in gathering it. They argued that APR data, viewed in isolation from other terms and conditions of the loan and from underwriting information, have little value and are subject to misinterpretation by the public. Lenders appeared concerned about unfounded allegations of unlawful credit discrimination should the data reveal disparities among different classes of borrowers, even though the disparities may be based on legitimate risk-based pricing and creditworthiness standards. Lenders also argued that there is no need to require that the APR be reported under HMDA because examiners already have access to APR data in depository lenders' files.

The Board proposed to mitigate burden by requiring reporting of APRs only for HMDA loans subject to TILA, for which the APR is already computed by the lender. Some lenders contended, however, that reporting under HMDA would still impose a substantial cost burden, because their systems for TILA disclosure and HMDA reporting are separate and do not necessarily interface readily. About half of the comments from lenders and their trade associations stated that reporting of pricing data in particular would be burdensome, although only about half of these offered specific reasons for their claim of burden. Perhaps the most common sources of burden cited were the initial costs of reprogramming software, changing procedures, and training employees, as well as the ongoing costs of data entry and monitoring.

Some commenters suggested that if the Board decided to require reporting of the APR, the requirement should be limited to originated loans, to reduce the burden imposed. For example, they believed that denied or withdrawn loan applications and purchased loans should not be subject to the requirement.

Other commenters, including community groups and law enforcement and regulatory agencies, supported collection of the APR. They believe that APR data would be useful as an initial screen in fair lending analysis. They noted that the burden would involve primarily a one-time expense to reprogram systems and the ongoing costs to input data, which would be mitigated by the fact that lenders already calculate and disclose the APR under TILA. Many commenters who supported reporting the APR advocated collecting other data about loan terms and underwriting information such as interest rate, fees, subprime status, lien status, whether the loan is fixed-rate or variable-rate, the term of the loan, loan-to-value ratio, credit score, and debt-to-income ratio.

Alternative Pricing Disclosure. The proposal would have required lenders to report and disclose the APR for all loan applications and originations. The Board has instead adopted a modified approach regarding the rate disclosure and coverage of the rule. Under the final rule, lenders will report the rate spread between the APR on a loan and the yield on Treasury securities with comparable maturity periods, for loan originations in which the APR exceeds the applicable Treasury yield by a percentage or threshold specified by the Board. The staff commentary clarifies how a lender determines which Treasury security has a maturity period that is comparable to a particular loan. See comment 4(a)(12)–1.

The Board is adopting this approach to loan pricing information because it will adjust pricing data for changes in market conditions over time, focus on higher cost loans, and limit reporting burden because fewer loans would be subject to the reporting requirement. The Board has limited the reporting requirement to originations of home purchase loans, secured home improvement loans, and refinancings, to minimize burden. The final rule excludes from the reporting requirement: (1) Applications that are incomplete, withdrawn, denied, or approved but not accepted; (2) purchased loans; and (3) unsecured home improvement loans.

The Board believes that lenders should report the spread for loans that equal or exceed a threshold of 3 percentage points for first lien loans, and 5 percentage points for subordinate lien loans (which generally have a higher APR). These thresholds are tentative—in the text of the final regulation, brackets have been inserted around the thresholds—because selecting the appropriate thresholds for price disclosure is not straightforward. The thresholds are intended to ensure, to the extent possible, that pricing data for higher cost loans are collected and disclosed, and at the same time to exclude prime loans from the requirement. There is limited public information on the range of prices (particularly APRs) of closed loans in the mortgage market, and there is no absolute demarcation between subprime and prime mortgage markets. Therefore, the Board is seeking public comment on whether the tentative thresholds are appropriate in a separate notice in this issue of the **Federal Register**. The Board will finalize the thresholds for reporting pricing information by mid-year 2002. For a discussion of the issue and information about how to submit comments, please refer to the Board's notice published elsewhere in this **Federal Register**.

HOEPA Status. The Board proposed to require that in addition to the APR on a loan, lenders report whether the loan is covered by the provisions of the Home Ownership and Equity Protection Act (HOEPA) as implemented in Regulation Z. Obtaining information on the volume and pattern of lending covered under HOEPA would be useful for better understanding the mortgage market, particularly the subprime market.

Lenders and their trade associations generally opposed the proposal. They contended that HOEPA loans carry reputational risk, and that the requirement to disclose HOEPA status would therefore act as a disincentive to lenders to make such loans. As with APR reporting, commenters suggested that there was no need to require HOEPA status reporting under HMDA, because the same information could be obtained by the banking agencies through the examination process.

Community groups and regulatory and enforcement agencies supported the proposal. They asserted that data on the HOEPA status of loans is critical to the

Board's separate rulemaking under HOEPA; that HOEPA status could be considered a proxy for subprime status, and would allow regulators to focus fair lending examinations on that part of the market; and that any burden associated with collecting HOEPA status would be primarily the one-time cost of reprogramming software.

The Board is amending Regulation C, as proposed, to require that the HOEPA status of a loan be reported and disclosed. While HOEPA status can be obtained through bank examinations, nondepository lenders are not subject to regular examinations. Nondepository lenders made about 57 percent of the dollar volume of loan originations reported under HMDA for the year 2000. Moreover, although depository lenders are examined on a regular basis, collecting HOEPA status on the HMDA/LAR is a more efficient way to obtain the data.

Some commenters believed that, if the APR data were to be collected, requiring the reporting of HOEPA status would be duplicative. But a loan's HOEPA status cannot be determined from the loan's APR alone. HOEPA coverage is based not only on the APR, but also on points and fees; some loans are covered because of the fees charged. Information from industry that was submitted to the Board during the HOEPA rulemaking suggests that roughly 30 percent of the first-lien loans and 23 percent of the subordinate-lien loans that will be covered by HOEPA (as revised in December 2001) will be covered only because of the points and fees on the loans.

Lien Status. The Board solicited comment in its December 2000 proposal on all aspects of the proposed changes and on any other issues that might warrant further review. Some commenters recommended that the Board require lenders to report the lien status and type of interest rate on a loan, along with other items of data. Other commenters, including a federal agency, said that information on lien status would be useful in interpreting other loan information such as the APR.

The Board believes that lien status would be useful in interpreting information on loan pricing. Interest rates, and therefore APRs, vary according to lien status; rates on first-lien loans are generally lower than rates on junior-lien or unsecured loans. Information on lien status would also be useful in interpreting home improvement loan data, as the revised definition of a home improvement loan turns on whether the loan is dwelling-secured. In view of the fact that the Board is soliciting comment in a separate notice on the appropriate thresholds for collecting rate spread information, the Board believes it is appropriate to provide the public with an additional opportunity to comment on the collection of lien status information. For a discussion of these issues and information about how to submit comments, please refer to the Board's notice published separately in this issue of the **Federal Register**.

Other matters. The Board requested comment on whether the loan-to-value ratio (LTV), or the appraised value of the property that secures a loan should be reported, based on concerns that appraisals may be used to discriminate against certain home mortgage applicants.

Several commenters supported a requirement to report LTV or appraised value. Some believed that these data would be very useful in rooting out predatory lending, particularly in combination with the APR and points and fees on a loan. The majority of commenters who addressed the issue—including almost all the financial institutions—opposed a requirement to report either appraised value or LTV ratio. Some argued that appraisals are too subjective to generate useful data. Others pointed out that complete data could not be gathered, because appraisals are not required for all properties. Similarly, commenters pointed out that these data may be available only for loans originated, because an application may be denied or withdrawn before an appraisal is ordered or an LTV is calculated. Based on the comments and its own analysis, the Board is not revising the regulation to require lenders to report LTV or appraised value.

4(b) Collection of Data on Ethnicity, Race, Sex, and Income 4(b)(2) Optional Collection

The Board has deleted the provision that depository institutions with assets on the preceding year-end of $30 million or less may, but need not, collect the data on applicants' race, ethnicity, sex, and income. This exemption has become superfluous. Regulation C entirely exempts from coverage a depository institution with total assets on the preceding year-end at or below the threshold set annually by the Board based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers. In 2001, the Board set this threshold at $32 million for data collection in 2002.

4(c) Optional Data

4(c)(1) Reasons for Denial

The statute permits, but does not require, a financial institution to report the reasons why a loan application was denied. Regulation C similarly gives institutions the option to report this information. The Board solicited comment on whether the regulation should be revised to require lenders to report reasons for denial. Based on the comments and its own analysis, the Board has retained the current rule on reporting of denial reasons.

Most commenters who addressed this issue—including several financial institutions, one banking trade association, regulatory agencies, and civil rights and community groups—supported requiring all institutions covered by HMDA to report reasons for denial. They contended that reporting denial reasons would not be burdensome, because lenders currently must provide the reasons to applicants under the Equal Credit Opportunity Act and Regulation B (or at least inform them of their right to know the reasons). These commenters argued that requiring such reporting would facilitate the identification of potential discrimination, and that all lending institutions should be subject to the same rules. They pointed out that reporting denial reasons in all cases would allow better comparison of data from different lenders.

Some commenters—primarily financial institutions—opposed mandatory reporting. These commenters maintained that denial reasons are not a reliable fair lending indicator because they may oversimplify the reasons for a credit decision.

Some commenters also opposed mandatory reporting on the basis of cost and burden. The Board believes that although information on denial reasons could be useful, the burden such a requirement would impose on lenders is not justified.

4(c)(2) Preapproval Requests

The regulation has been revised to require lenders to report preapproval requests that are denied and to identify preapproval requests that result in a loan origination. See discussion under 203.2(b) ''Application.'' The Board has also revised the regulation to permit, but not require, lenders to report preapproval requests that are approved by the institution but not accepted by the borrower, using the code provided. See Appendix A., Paragraphs I.A.8. and I.B.1.

4(d) Excluded Data

4(d)(3) Temporary Financing

Regulation C generally does not permit lenders to report temporary financing. The Board has not amended these rules. The Board believes that, although in some cases the data would not be duplicative—such as where a lender originates construction loans but does not offer permanent financing—these instances appear to be relatively few.

Time Period. The Board requested comment on whether the regulation should define ''temporary loans'' in terms of a time period. A few financial institutions requested a definition that includes a specific time period. Upon further analysis, however, the Board believes that in the absence of any generally accepted time frame for ''temporary financing,'' it is impracticable to provide a ''bright-line'' test. Instead, the regulation will continue to offer examples, such as construction financing.

4(d)(6) Purchased Loans

Branch Acquisition. The Board proposed to exclude from HMDA reporting loans that are purchased as part of a branch acquisition. Limited comment was received. A community group asserted that data on all purchased loans are needed to discourage institutions from purchasing predatory loans. Industry commenters, on the other hand, supported the proposal. They believe that the decision to acquire a branch is an investment decision rather than a credit decision.

Based on the comments and on its own analysis, the Board is adopting the proposal. A ''branch acquisition'' entails the purchase of *all* the assets and liabilities of a branch of a depository institution; it need not involve the purchase of the branch's physical facilities. Loans purchased as part of a branch asset sale (not including sale of the branch's liabilities) would continue to be reported.

Section 203.5—Disclosure and Reporting

5(b) Public Disclosure of Statement

The regulation requires that a financial institution make its disclosure statement available to the public, under certain circumstances, within a specified number of ''business days.'' The Board has revised the staff commentary to clarify that for this purpose a ''business day'' is any calendar day other than a Saturday, Sunday, or legal public holiday. (See comment 5(b)–1.)

5(f) Loan Aggregation and Central Depositories

As part of the reorganization of the regulation, material on loan aggregation and central depositories that now appears in section 203.1''Authority, purpose, and scope'' has been moved to section 203.5, as paragraph (f).

Section 203.6—Enforcement

As part of the reorganization of the regulation, some material from the staff commentary (see comments 4(a)–1 and 6(b)–1) has been moved to this section of the regulation. The material clarifies that certain actions do not violate the act or regulation.

IV. Appendix A

The Board's reorganization of the regulation entails non-substantive revisions of Appendix A, such as redesignating several provisions. The Board also makes certain substantive changes that conform Appendix A to revisions discussed above.

I. Instructions for Completion of Loan/Application Register

A. Application or Loan Information

4. Property Type

A new field is added to identify the type of property to which the application or loan relates (one-to four-family dwelling, manufactured housing, or multifamily dwelling). See the discussion of ''Manufactured housing status'' under section 4(a)(5), above.

5. Purpose

This field, which used to combine loan purpose and property type, is revised to include only the purpose of the application or loan (*i.e.*, home purchase, home improvement). Information on property type is moved to its own field, as discussed in paragraph 4 above.

B. Action Taken

New codes are added for action taken on preapproval requests. An institution is required to report preapproval requests that are denied, using the action code provided. An institution may report, at its option, preapproval requests that are approved but not accepted by the applicant, using the code provided.

C. Property Location

Coordination with the CRA. Appendix A provides guidance to lenders that report data under the CRA regarding the reporting of property-location information for loans located outside the metropolitan areas where those lenders have offices. In response to inquiries from lenders, the Board is clarifying this guidance, without changing it substantively.

Lenders that report data under the CRA must report the metropolitan area, state, and county where the property is located. In general, they must also report the census tract. However, if the property is located in a county with a population of 30,000 or less, a lender may report either ''NA'' or the census tract number.

Block Numbering Areas. Under the current rule, lenders may report the Block Numbering Area (BNA) for untracted areas. The Census Bureau has assigned census tract numbers to all areas. Accordingly, the Board has revised Appendix A to reflect this change.

Requests for Preapproval. The final rule requires institutions to identify requests for preapproval that result in loan originations and to report denials of preapproval requests. See discussion under section 2(b), above. Because preapproval requests denied will not include data on property location, the Board is clarifying that lenders should report ''NA'' in the property location fields associated with requests for preapproval that are denied. Lenders that opt to report preapprovals falling in the category of ''approved but not accepted'' also should report ''NA'' in the property location fields.

D. Applicant Information—Ethnicity, Race, Sex, and Income

3. and 4. Ethnicity and Race of Borrower or Applicant

The Board has conformed the racial classifications to the standards set by OMB. See the discussion under section 203.4(a)(10) ''collection of ethnicity, race, sex, and income of applicants.'' Consistent with OMB's guidelines, an applicant is allowed to designate all racial groups that are applicable, and information regarding Hispanic or Latino ethnicity is collected separately from information on race. As noted previously, the Board is separately requesting comment on a proposal to make mandatory the collection of monitoring information in applications taken by telephone.

Minor revisions have been made to the codes to provide more clarity. A code 5 for ethnicity and a code 8 for race have been added for cases in which there is no co-applicant or co-borrower. In addition, the instructions make clear that the code ''not applicable'' is to be used only in loans involving a corporate borrower or a partnership, or for loans purchased by the institution.

E. Type of Purchaser

The final rule includes changes to the codes for identifying the type of purchaser of an originated loan. The Board believes these changes will increase the utility of the information about the secondary market available to users of HMDA data. Under the current codes, the categories of ''life insurance company,'' ''commercial bank,'' and ''savings bank or association,'' account for a very small portion of loans sold. About one-third of home loans sold are attributed to the code 9, ''other type of purchaser.'' The final rule addresses these matters by expanding certain existing categories, combining others, and adding a new category for private securitization.

G. Other Data

The Board is adding fields for the price of the loan (rate spread) and HOEPA status. See the discussion under section 4(a)(12) and (13) ''additional items related to loan pricing.''

II. Federal Supervisory Agencies

The Board has removed the list of types of lenders and their supervisory agencies from the Appendix. This information is provided in section 305(b) of the act (12 U.S.C. 2804(b)).

Form of Transmittal Sheet

Based on the comments and its own analysis, the Board is revising the HMDA/LAR transmittal sheet to require reporting of the identity of a parent company, if any. The requirement was eliminated a few years ago to reduce burden, because parent information is generally available through the National Information Center (''NIC'') database. 63 FR 52140 (September 30, 1998). Data users have asserted, however, that it is important to have the information in the HMDA data rather than in a separate database such as NIC. Moreover, the NIC database does not include parent company information for all HMDA reporters. Generally, commenters supported requiring institutions to report parent company information. Some commenters, including financial institutions, noted that such a requirement would impose minimal burden on lenders.

The transmittal sheet also has been revised to call for the institution's e-mail address, if any exists, in addition to the existing requirements for the telephone and facsimile numbers of the reporting institution's contact person.

V. Appendix B

Appendix B is revised to reflect the revised OMB guidance discussed under section 203.4(a)(10).

VI. Reorganization of the Regulation

The Board proposed to reorganize Regulation C to make it easier to use and to make reporting less burdensome for institutions. In the past, formal guidance for compliance with HMDA was contained in Regulation C, in the instructions for completing the loan/application register (Appendix A to the regulation), in the instructions for the collection of certain applicant data (Appendix B), and in the staff commentary. Informal guidance was provided in the FFIEC's ''A Guide to HMDA Reporting: Getting It Right!'' Compliance officers and other commenters expressed concern about having to consult several sources to locate a requirement or interpretation dealing with a particular issue.

The Board solicited comment on the benefits of incorporating all of the interpretive materials into the commentary, reducing the instructions in Appendix A to code descriptions, and reorganizing the material within the regulation. These changes were supported by most of the commenters that addressed them—including both data reporters and data users. They believed that a reorganization would make the regulation easier to understand and decrease possible misinterpretations by reporters and others. For these commenters, the benefits of simplification outweighed the burden of learning a new system of organization. Based on the comments and its own analysis, the Board has reorganized the regulation and commentary, eliminated redundant provisions, revised the instructions to facilitate reporting, and made other changes—such as rewording some provisions—so that the regulation is easier to use.

The cross-references to Appendix A in the staff commentary are deleted; they are unnecessary in view of the simplification and reorganization of Appendix A. ''A Guide to HMDA Reporting: Getting It Right!'' will continue to be published, in a format reflecting the reorganized regulation.

Provisions of the regulation, appendices, and commentary are redesignated as indicated in the tables below. The first six tables identify redesignated provisions in the first five sections of the regulation and in the corresponding paragraphs of the staff commentary; the seventh and eighth tables identify redesignated provisions in Appendices A and B. While the tables present a substantially complete summary of the reorganization, they should not be used as a substitute for a detailed comparison of the revised regulation with the old regulation.

TABLE 1.—SECTION 203.1—AUTHORITY, PURPOSE, AND SCOPE

Current	New
Commentary 203.1(c)–2, 3, 4	Regulation 203.2(k)
Commentary 203.1(c)–5	Commentary 203.1(c)–2
Commentary 203.1(c)–6	Commentary 203.1(c)–3
Commentary 203.1(c)–7	Commentary 203.1(c)–4
Commentary 203.1(c)–8	Commentary 203.1(c)–5
Commentary 203.1(c)–9	Commentary 203.1(c)–6
Commentary 203.1(c)–10	Commentary 203.1(c)–7
Commentary 203.1(c)–11	Commentary 203.1(c)–8
Commentary 203.1(c)–12	Commentary 203.1(c)–9
Regulation 203.1(d)	Regulation 203.5(f)

TABLE 2.—SECTION 203.2—DEFINITIONS

Current	New
Regulation 203.2(f)	Regulation 203.2(g)
Regulation 203.2(g)	Regulation 203.2(h)
Regulation 203.2(h)	Regulation 203.2(i)

TABLE 2.—SECTION 203.2—DEFINITIONS—Continued

Current	New
Commentary 203.2(e)–1	Commentary 203.2(e)–5
Commentary 203.2(e)–2	Commentary 203.2(e)–6
Commentary 203.2(f)–1	Deleted
Commentary 203.2(f)–2	Commentary 203–41(a)(3)–1
Commentary 203.2(f)–3	Commentary 203.4(a)(7)–3
Commentary 203.2(f)–4	Commentary 203.2(g)–1
Commentary 203.2(f)–5	Commentary 203.2(g)–2
Commentary 203.2(f)–6	Commentary 203.2(g)–3
Commentary 203.2(f)–7	Commentary 203.2(g)–5
Commentary 203.2(f)–8	Commentary 203.2(g)–4
Commentary 203.2(g)–6	Commentary 203.2(g)–8

TABLE 3.—SECTION 203.3—EXEMPT INSTITUTIONS

Current	New
Regulation 203.3(a)(1)	Regulation 203.2(e)(1)
Regulation 203.3(a)(2)	Regulation 203.2(e)(2)
Regulation 203.3(b)	Regulation 203.3(a)
Regulation 203.3(c)(1)	Commentary 203.2(e)–1
Regulation 203.3(c)(2)	Regulation 203.3(b)
Commentary 203.3(a)–l	Commentary 203.2(e)–1
Commentary 203.3(a)–2	Commentary 203.2(e)–3
Commentary 203.3(a)–3	Commentary 203.4(d)–1

TABLE 4.—SECTION 203.4—COMPILATION OF LOAN DATA

Current	New
Commentary 203.4(a)–1	Regulation 203.6(b)(3)
Commentary 203.4(a)(2)–1	Commentary 4(a)(3)–2, 2(g)–6, 2(h)–7
Commentary 203.4(a)(3)–1	Deleted
Commentary 203.4(a)(3)–2	Commentary 203.4(a)(6)–1
Commentary 203.4(a)(4)–3	Commentary 203.4(a)(7)–3 & 203.4(a)(3)–1
Commentary 203.4(a)(4)–4	Commentary 203.4(a)(7)–3
Commentary 203.4(a)(5)	Commentary 203.4(a)(8)
Commentary 203.4(a)(6)–1 through –4	Commentary 203.4(a)(9)
Commentary 203.4(a)(6)–5	Deleted
Commentary 203.4(a)(7)	Commentary 203.4(a)(10)
Commentary 203.4(a)(8)	Commentary 203.4(a)(11)
Commentary 203.4(c)–1	Deleted
Commentary 203.4(d)–1	Regulation 203.4(d)(4)

TABLE 5.—SECTION 203.5—DISCLOSURE AND REPORTING

Current	New
Regulation 203.5(a)	Regulation 203.5(a)(1)
Regulation 203.5(b)(1)	Regulation 203.5(b)(2)
Regulation 203.5(b)(2)	Regulation 203.5(b)(3)
Commentary 203.5(a)–1	Commentary 203.5(a)–5
Commentary 203.5(a)–2	Commentary 203.5(a)–6

TABLE 6.—SECTION 203.6—ENFORCEMENT

Current	New
Commentary 203.6(b)–1	Commentary 203.6(b)–1 & Regulation 203.6(b)(2)

TABLE 7.—APPENDIX A

Current	New
I.A.	Regulation 203.2(e)(1)
I.B.	Regulation 203.2(e)(1)
I.C.	Regulation 203.2(e)(2)
I.D.	Deleted

TABLE 7.—APPENDIX A—Continued

Current	New
I.E.	Regulation 203.5(a)(2)
I.F.	Regulation 203.3(a)(3)
II.A.	Commentary 203.5(a)–1 and –2
II.B.	Commentary 203.5(a)–3
II.C.	Commentary 203.5(a)–4
II.D.	Commentary 203.5(a)–4
II.E.	Deleted
III.A.	Regulation 203.5(a)(1)
III.B.	Commentary 203.5(a)–6 & 4(a)–1(vi)
III.C.	Commentary 203.5(a)–8 & 4(a)–1(vii)
III.D.1.	Regulation 203.5(b)(1) and (2), Commentary 203.5(b)–1
III.D.2.	Commentary 203.5(b)–2
III.E.1.	Regulation 203.5(c)
III.E.2.	Commentary 203.5(c)–1
III.E.3.	Regulation 203.5(c)
III.F.1.	Commentary 203.5(e)–1
III.F.2.	Commentary 203.5(e)–2
IV.A.1.	Commentary 203.4(a)–1(I)
IV.A.2.	Commentary 203.4(a)–1(ii)
IV.A.3	Commentary 203.4(a)–1(iii)
IV.A.4.	Commentary 203.4(a)–1(iv)
IV.A.5.	Commentary 203.4(a)–1(v)
IV.B.	Deleted
V.A.1.	Commentary 203.4(a)(1)–4 & App. A.I.A.1.
V.A.2.	App. A.I.A.2.
V.A.3.	App. A.I.A.3.
V.A.4.	App. A.I.A.4 & 5
V.A.5	App. A.I.A.4 & 5
V.A.6	App. A.I.A.6
V.A.7	App. A.I.A.6
V.A.8.	App. A.I.A.7.
V.B.1.	App. A.I.B.1.
V.B.2	App. A.I.B.1.
V.B.3.	App. A.I.B.2
V.C.	App. A.I.C. & Commentary 203.4(a)(9)–2
V.C.1	App. A.I.C.1
V.C.2	App. A.I.C.2
V.C.3	App. A.I.C.3
V.C.4.	App. A.I.C.4
V.C.5	App. A.I.C.5
V.C.6	Deleted
V.C.7	App. A.I.C.6
V.D.	App. A.I.D.
V.D.1.	App. A.I.D.1
V.D.2.	App. A.I.D.2; App.B.II.A.
V.D.3.	App. A.I.D.3 & 4
V.D.4.	App. A.I.D.5.
V.D.5.	App. A.I.D.6
V.E.	App. A.I.E. & Commentary 203.4(a)(11)–2
V.F.	App. A.I.F
VI.	App. A.II.

TABLE 8.—APPENDIX B

Current	New
B.I.A.	I.
B.I.B.1.	II.A.
I.B.2	II.D.
I.B.3	II.B.
I.B.4.	II.E.
I.B.5	Deleted

VII. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The Federal Reserve may not conduct or sponsor and an organization is not required to respond to, this information collection unless it displays a currently valid OMB control number. The OMB

control number is 7100–0247 for the Federal Reserve's information collection under Regulation C.

The mandatory collection of information that is revised by this rulemaking is found in 12 CFR part 203, which implements 12 U.S.C. 2801–2810. Public officials use this information to determine whether financial institutions are serving the housing needs of their communities; to help target public investment to promote private investment where it is needed; and to identify possible discriminatory lending patterns for enforcement of anti-discrimination statutes.

The respondents are all types of financial institutions that meet the tests for coverage under the regulation. Depository institutions with offices in metropolitan areas whose assets are below an asset size threshold that adjusts yearly (currently $32 million) are not required to comply. Under the Paperwork Reduction Act the Federal Reserve accounts for the burden of the paperwork associated with the regulation only for state member banks, their subsidiaries, subsidiaries of bank holding companies, U.S. branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601–604a; 611–631). Other federal agencies account for the paperwork burden for the institutions they supervise. Respondents must maintain their HMDA/LARs and modified HMDA/LARs for three years and their disclosure statements for five years.

The final rule amends Regulation C to improve the quality, consistency, and utility of data reported under HMDA. The revisions expand coverage of nondepository lenders, revise definitions of covered loans and applications, and require reporting of additional items of information.

In conjunction with its proposal, the Federal Reserve sought comment on the burden estimates for the proposed changes. The Board received nearly 300 public comment letters, most of which addressed the issue of respondents' burden. These comments were addressed at length earlier in this notice. In general, industry commenters expressed concern that the proposed changes, taken as a whole, would impose significant burdens. The Federal Reserve has revised certain aspects of the proposal to address some of the burden concerns. Those revisions are discussed earlier in this notice.

The estimated annual burden for this information collection varies from 12 to 12,000 hours, depending on individual circumstances, with estimated averages of 242 hours for state member banks and 192 hours for mortgage banking subsidiaries and other respondents. To most accurately estimate the annual burden for this information collection the staff used the number of Federal Reserve supervised respondents that were required to report CY 2000 data in March 2001. The Federal Reserve estimates the annual burden to be roughly 146,000 hours, a 20 percent increase from the last estimate of the annual burden under the current regulation.

Respondents also face a one-time cost burden to reprogram systems to add codes for new data items, update systems with the new definitions for current data items, and create an interface between current HMDA and Truth in Lending systems to enable reporting of pricing data. Institutions that use vendor-provided software systems (the bulk of reporting institutions) will face costs averaging around $2,000 to $5,000. Institutions that purchase and adapt off-the-shelf applications will face costs averaging between $20,000 and $50,000. Institutions that use mainframe systems and employ systems programmers (the largest institutions) will face costs averaging between $120,000 and $270,000. Using the maximum cost for each of the three ranges to calculate a weighted average, the Federal Reserve estimates that the average covered financial institution will incur a one-time cost of approximately $17,400.

The Board's Legal Division has determined that HMDA data collection and reporting are required by law; completion of the loan/application register, submission to the Federal Reserve, and disclosure to the public upon request are mandatory. After the data are redacted as required by the statute and regulation, they are made publicly available and are not considered confidential. Data that the regulation requires be redacted (loan number, date application received, and date action taken) is given confidential treatment under exemption 6 of the Freedom of Information Act (5 U.S.C. 552(b)(6)).

The Board has a continuing interest in the public's opinion of the Federal Reserve's collection of information. At any time, comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, may be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551; and to the Office of Management and Budget, Paperwork Reduction Project (7100–0247), Washington, DC 20503.

VIII. Regulatory Flexibility Analysis

In accordance with section 3(a) of the Regulatory Flexibility Act (5 USC 604(a)), the Board has prepared a final regulatory flexibility analysis of these revisions. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–3245. A summary of the analysis follows.

The final rule is a consequence of Board policy to review its regulations periodically and a desire to update the regulation to reflect mortgage markets more clearly, enhance consumer protection, and conform its regulation with new guidance from the Office of Management and Budget concerning collection of data on ethnicity and race by federal agencies.

The Board received no comments specifically responding to the initial regulatory flexibility analysis published in conjunction with the proposed rule. As discussed in the Supplementary Information, however, many comments the Board received discussed the burdens arising from particular proposals. Such comments are summarized throughout the Supplementary Information, as are the Board's responses. The Supplementary Information also contains discussions of alternative measures the Board considered adopting, and in some cases adopted, to reduce burden.

The major changes in the final rule bring more institutions and transactions under requirements for data collection and reporting and requiring more data on each covered transaction. Among the proposed revisions, those increasing the transactions covered and the data that are required to be reported for each transaction are the most significant in terms of potential benefits and in increasing regulatory burden. The final rule would affect all institutions currently within the scope of the regulation, including covered small institutions.

The number of institutions that would be brought under the regulation for the first time is likely quite limited. No newly covered institution would be a small mortgage lender. The new criterion for coverage'which is added to the existing criteria—is that institutions must have originated at least $25 million home purchase loans (including

refinancings of such loans) in the prior calendar year. Board staff projects that any newly covered institutions would be more active in the mortgage business than most of the institutions currently required to report.

It is difficult to quantify the benefits and costs associated with the final rule. The new information will provide data to help identify possible discriminatory lending patterns and assist regulators in conducting examinations under the Community Reinvestment Act and other laws. Additional data on covered transactions will allow for more precise differentiation among loan products and reduce the potential bias that results when dissimilar loan products are jointly classified. The data will also help inform the public about developments in the mortgage market by revealing pricing information on higher-cost home loans and by ensuring that more complete and consistent information is available about mortgage refinancings and home improvement lending.

Although the final rule will offer a number of benefits it also will require covered lenders, including small institutions, to change their current procedures and systems for collecting and reporting required data, and potentially to report new transactions. The regulatory agencies will take steps to mitigate these costs, but for at least some covered lenders they are likely to be significant.

List of Subjects in 12 CFR Part 203

Banks, Banking, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board revises 12 CFR part 203 to read as follows:

PART 203—HOME MORTGAGE DISCLOSURE (REGULATION C)

Sec.
203.1 Authority, purpose, and scope.
203.2 Definitions.
203.3 Exempt institutions.
203.4 Compilation of loan data.
203.5 Disclosure and reporting.
203.6 Enforcement.
Appendix A To Part 203—Form And Instructions for Completion of HMDA Loan/Application Register
Appendix B To Part 203—Form And Instructions for Data Collection on Ethnicity, Race, And Sex
Supplement I To Part 203—Staff Commentary

Authority: 12 U.S.C. 2801–2810.

§ 203.1 Authority, purpose, and scope.

(a) *Authority.* This regulation is issued by the Board of Governors of the Federal Reserve System (''Board'') pursuant to the Home Mortgage Disclosure Act (''HMDA'') (12 U.S.C. 2801 *et seq.*), as amended. The information-collection requirements have been approved by the U.S. Office of Management and Budget (''OMB'') under 44 U.S.C. 3501 *et seq.* and have been assigned OMB numbers for institutions reporting data to the Office of the Comptroller of the Currency (1557–0159), the Federal Deposit Insurance Corporation (3064–0046), the Office of Thrift Supervision (1550–0021), the Federal Reserve System (7100–0247), and the Department of Housing and Urban Development (''HUD'') (2502–0529). A number for the National Credit Union Administration is pending.

(b) *Purpose.* (1) This regulation implements the Home Mortgage Disclosure Act, which is intended to provide the public with loan data that can be used:

(i) To help determine whether financial institutions are serving the housing needs of their communities;

(ii) To assist public officials in distributing public-sector investment so as to attract private investment to areas where it is needed; and

(iii) To assist in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes.

(2) Neither the act nor this regulation is intended to encourage unsound lending practices or the allocation of credit.

(c) *Scope.* This regulation applies to certain financial institutions, including banks, savings associations, credit unions, and other mortgage lending institutions, as defined in § 203.2(e). The regulation requires an institution to report data to its supervisory agency about home purchase loans, home improvement loans, and refinancings that it originates or purchases, or for which it receives applications; and to disclose certain data to the public.

§ 203.2 Definitions.

In this regulation:

(a) *Act* means the Home Mortgage Disclosure Act (''HMDA'') (12 U.S.C. 2801 *et seq.*), as amended.

(b) *Application.* (1) *In general.* Application means an oral or written request for a home purchase loan, a home improvement loan, or a refinancing that is made in accordance with procedures used by a financial institution for the type of credit requested.

(2) *Preapproval programs.* A request for preapproval for a home purchase loan is an application under paragraph (b)(1) of this section if the request is reviewed under a program in which the financial institution, after a comprehensive analysis of the creditworthiness of the applicant, issues a written commitment to the applicant valid for a designated period of time to extend a home purchase loan up to a specified amount. The written commitment may not be subject to conditions other than:

(i) Conditions that require the identification of a suitable property;

(ii) Conditions that require that no material change has occurred in the applicant's financial condition or creditworthiness prior to closing; and

(iii) Limited conditions that are not related to the financial condition or creditworthiness of the applicant that the lender ordinarily attaches to a traditional home mortgage application (such as certification of a clear termite inspection).

(c) *Branch office* means:

(1) Any office of a bank, savings association, or credit union that is approved as a branch by a federal or state supervisory agency, but excludes free-standing electronic terminals such as automated teller machines; and

(2) Any office of a for-profit mortgage-lending institution (other than a bank, savings association, or credit union) that takes applications from the public for home purchase loans, home improvement loans, or refinancings. A for-profit mortgage-lending institution is also deemed to have a branch office in a metropolitan area if, in the preceding calendar year, it received applications for, originated, or purchased five or more home purchase loans, home improvement loans, or refinancings related to property located in that metropolitan area.

(d) *Dwelling* means a residential structure (whether or not attached to real property) located in a state of the United States of America, the District of Columbia, or the Commonwealth of Puerto Rico. The term includes an individual condominium unit, cooperative unit, or mobile or manufactured home.

(e) *Financial institution* means:

(1) A bank, savings association, or credit union that:

(i) On the preceding December 31 had assets in excess of the asset threshold established and published annually by the Board for coverage by the act, based on the year-to-year change in the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for each twelve month period ending in November, with rounding to the nearest million;

(ii) On the preceding December 31, had a home or branch office in a metropolitan area;

(iii) In the preceding calendar year, originated at least one home purchase loan (excluding temporary financing such as a construction loan) or refinancing of a home purchase loan, secured by a first lien on a one-to four-family dwelling; and

(iv) Meets one or more of the following three criteria:

(A) The institution is federally insured or regulated;

(B) The mortgage loan referred to in paragraph (e)(1)(iii) of this section was insured, guaranteed, or supplemented by a federal agency; or

(C) The mortgage loan referred to in paragraph (e)(1)(iii) of this section was intended by the institution for sale to Fannie Mae or Freddie Mac; and

(2) A for-profit mortgage-lending institution (other than a bank, savings association, or credit union) that:

(i) In the preceding calendar year, either:

(A) Originated home purchase loans, including refinancings of home purchase loans, that equaled at least 10 percent of its loan-origination volume, measured in dollars; or

(B) Originated home purchase loans, including refinancings of home purchase loans, that equaled at least $25 million; and

(ii) On the preceding December 31, had a home or branch office in a metropolitan area; and

(iii) Either:

(A) On the preceding December 31, had total assets of more than $10 million, counting the assets of any parent corporation; or

(B) In the preceding calendar year, originated at least 100 home purchase loans, including refinancings of home purchase loans.

(f) *Home-equity line of credit* means an open-end credit plan secured by a dwelling as defined in Regulation Z (Truth in Lending), 12 CFR part 226.

(g) *Home improvement loan* means:

(1) A loan secured by a lien on a dwelling that is for the purpose, in whole or in part, of repairing, rehabilitating, remodeling, or improving a dwelling or the real property on which it is located; and

(2) A non-dwelling secured loan that is for the purpose, in whole or in part, of repairing, rehabilitating, remodeling, or improving a dwelling or the real property on which it is located, and that is classified by the financial institution as a home improvement loan.

(h) *Home purchase loan* means a loan secured by and made for the purpose of purchasing a dwelling.

(i) *Manufactured home* means any residential structure as defined under regulations of the Department of Housing and Urban Development establishing manufactured home construction and safety standards (24 CFR 3280.2).

(j) *Metropolitan area* means a metropolitan area as defined by the U.S. Office of Management and Budget.

(k) *Refinancing* means a new obligation that satisfies and replaces an existing obligation by the same borrower, in which:

(1) For coverage purposes, the existing obligation is a home purchase loan (as determined by the lender, for example, by reference to available documents; or as stated by the applicant), and both the existing obligation and the new obligation are secured by first liens on dwellings; and

(2) For reporting purposes, both the existing obligation and the new obligation are secured by liens on dwellings.

§ 203.3 Exempt institutions.

(a) *Exemption based on state law.* (1) A state-chartered or state-licensed financial institution is exempt from the requirements of this regulation if the Board determines that the institution is subject to a state disclosure law that contains requirements substantially similar to those imposed by this regulation and that contains adequate provisions for enforcement.

(2) Any state, state-chartered or state-licensed financial institution, or association of such institutions, may apply to the Board for an exemption under paragraph (a) of this section.

(3) An institution that is exempt under paragraph (a) of this section shall use the disclosure form required by its state law and shall submit the data required by that law to its state supervisory agency for purposes of aggregation.

(b) *Loss of exemption.* An institution losing a state-law exemption under paragraph (a) of this section shall comply with this regulation beginning with the calendar year following the year for which it last reported loan data under the state disclosure law.

§ 203.4 Compilation of loan data.

(a) *Data format and itemization.* A financial institution shall collect data regarding applications for, and originations and purchases of, home purchase loans, home improvement loans, and refinancings for each calendar year. An institution is required to collect data regarding requests under a preapproval program (as defined in § 203.2(b)) only if the preapproval request is denied or results in the origination of a home purchase loan. All reportable transactions shall be recorded, within thirty calendar days after the end of the calendar quarter in which final action is taken (such as origination or purchase of a loan, or denial or withdrawal of an application), on a register in the format prescribed in Appendix A of this part. The data recorded shall include the following items:

(1) An identifying number for the loan or loan application, and the date the application was received.

(2) The type of loan or application.

(3) The purpose of the loan or application.

(4) Whether the application is a request for preapproval and whether it resulted in a denial or in an origination.

(5) The property type to which the loan or application relates.

(6) The owner-occupancy status of the property to which the loan or application relates.

(7) The amount of the loan or the amount applied for.

(8) The type of action taken, and the date.

(9) The location of the property to which the loan or application relates, by metropolitan area, state, county, and census tract, if the institution has a home or branch office in that metropolitan area.

(10) The ethnicity, race, and sex of the applicant or borrower, and the gross annual income relied on in processing the application.

(11) The type of entity purchasing a loan that the institution originates or purchases and then sells within the same calendar year (this information need not be included in quarterly updates).

(12) For originated loans subject to Regulation Z, 12 CFR part 226, in which the loan's annual percentage rate (APR) exceeds the yield on a Treasury security with a comparable period of maturity (as of the 15th day of the month immediately preceding the month in which the application for the loan was received by the financial institution) by 3 percentage points for a loan secured by a first lien and by 5 percentage points for a loan secured by a junior lien, the difference between the APR and the yield on the comparable Treasury security.

(13) Whether the loan is subject to the Home Ownership and Equity Protection Act of 1994.

(b) *Collection of data on ethnicity, race, sex, and income.* (1) A financial institution shall collect data about the ethnicity, race, and sex of the applicant

or borrower as prescribed in Appendix B of this part.

(2) Ethnicity, race, sex, and income data may but need not be collected for loans purchased by the financial institution.

(c) *Optional data.* A financial institution may report:

(1) The reasons it denied a loan application;

(2) Requests for preapproval that are approved by the institution but not accepted by the applicant; and

(3) Home-equity lines of credit made in whole or in part for the purpose of home improvement or home purchase.

(d) *Excluded data.* A financial institution shall not report:

(1) Loans originated or purchased by the financial institution acting in a fiduciary capacity (such as trustee);

(2) Loans on unimproved land;

(3) Temporary financing (such as bridge or construction loans);

(4) The purchase of an interest in a pool of loans (such as mortgage-participation certificates, mortgage-backed securities, or real estate mortgage investment conduits);

(5) The purchase solely of the right to service loans; or

(6) Loans acquired as part of a merger or acquisition, or as part of the acquisition of all of the assets and liabilities of a branch office as defined in § 203.2(c)(1).

(e) *Data reporting for banks and savings associations that are required to report data on small business, small farm, and community development lending under CRA.* Banks and savings associations that are required to report data on small business, small farm, and community development lending under regulations that implement the Community Reinvestment Act of 1977 (12 U.S.C. 2901 *et seq.*) shall also collect the location of property located outside metropolitan areas in which the institution has a home or branch office, or outside any metropolitan areas.

§ 203.5 Disclosure and reporting.

(a) *Reporting to agency.* (1) By March 1 following the calendar year for which the loan data are compiled, a financial institution shall send its complete loan/application register to the agency office specified in Appendix A of this part. The institution shall retain a copy for its records for at least three years.

(2) A subsidiary of a bank or savings association shall complete a separate loan/application register. The subsidiary shall submit the register, directly or through its parent, to the agency that supervises its parent.

(b) *Public disclosure of statement.* (1) The Federal Financial Institutions Examination Council (''FFIEC'') will prepare a disclosure statement from the data each financial institution submits.

(2) An institution shall make its disclosure statement (prepared by the FFIEC) available to the public at its home office no later than three business days after receiving it from the FFIEC.

(3) In addition, an institution shall either:

(i) Make its disclosure statement available to the public, within ten business days of receiving it, in at least one branch office in each other metropolitan area where the institution has offices (the disclosure statement need only contain data relating to the metropolitan area where the branch is located); or

(ii) Post the address for sending written requests in the lobby of each branch office in other metropolitan areas where the institution has offices; and mail or deliver a copy of the disclosure statement within fifteen calendar days of receiving a written request (the disclosure statement need only contain data relating to the metropolitan area for which the request is made). Including the address in the general notice required under paragraph (e) of this section satisfies this requirement.

(c) *Public disclosure of modified loan/application register.* A financial institution shall make its loan/application register available to the public after removing the following information regarding each entry: the application or loan number, the date that the application was received, and the date action was taken. An institution shall make its modified register available following the calendar year for which the data are compiled, by March 31 for a request received on or before March 1, and within thirty calendar days for a request received after March 1. The modified register need only contain data relating to the metropolitan area for which the request is made.

(d) *Availability of data.* A financial institution shall make its modified register available to the public for a period of three years and its disclosure statement available for a period of five years. An institution shall make the data available for inspection and copying during the hours the office is normally open to the public for business. It may impose a reasonable fee for any cost incurred in providing or reproducing the data.

(e) *Notice of availability.* A financial institution shall post a general notice about the availability of its HMDA data in the lobby of its home office and of each branch office located in a metropolitan area. An institution shall provide promptly upon request the location of the institution's offices where the statement is available for inspection and copying, or it may include the location in the lobby notice.

(f) *Loan aggregation and central data depositories.* Using the loan data submitted by financial institutions, the FFIEC will produce reports for individual institutions and reports of aggregate data for each metropolitan area, showing lending patterns by property location, age of housing stock, and income level, sex, ethnicity, and race. These reports will be available to the public at central data depositories located in each metropolitan area. A listing of central data depositories can be obtained from the Federal Financial Institutions Examination Council, Washington, D.C. 20006.

§ 203.6 Enforcement.

(a) *Administrative enforcement.* A violation of the Act or this regulation is subject to administrative sanctions as provided in section 305 of the Act, including the imposition of civil money penalties, where applicable. Compliance is enforced by the agencies listed in section 305(b) of the Act (12 U.S.C. 2804(b).

(b) *Bona fide errors.* (1) An error in compiling or recording loan data is not a violation of the act or this regulation if the error was unintentional and occurred despite the maintenance of procedures reasonably adapted to avoid such errors.

(2) An incorrect entry for a census tract number is deemed a *bona fide* error, and is not a violation of the act or this regulation, provided that the institution maintains procedures reasonably adapted to avoid such errors.

(3) If an institution makes a good-faith effort to record all data concerning covered transactions fully and accurately within thirty calendar days after the end of each calendar quarter, and some data are nevertheless inaccurate or incomplete, the error or omission is not a violation of the act or this regulation provided that the institution corrects or completes the information prior to submitting the loan/application register to its regulatory agency.

Appendix A to Part 203—Form and Instructions for Completion of HMDA Loan/Application Register

Paperwork Reduction Act Notice

This report is required by law (12 U.S.C. 2801–2810 and 12 CFR 203). An agency may not conduct or sponsor, and an organization is not required to respond to, a collection of information unless it displays a valid Office of Management and Budget (OMB) Control

Number. See 12 CFR 203.1(a) for the valid OMB Control Numbers, applicable to this information collection. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the respective agencies and to OMB, Office of Information and Regulatory Affairs, Paperwork Reduction Project, Washington, DC 20503. Be sure to reference the applicable agency and the OMB Control Number, as found in 12 CFR 203.1(a), when submitting comments to OMB.

I. Instructions for Completion of Loan/Application Regsiter

A. Application or Loan Information

1. Application or Loan Number

a. Enter an identifying loan number that can be used later to retrieve the loan or application file. It can be any number of your institution's choosing (not exceeding 25 characters). You may use letters, numerals, or a combination of both.

2. Date Application Received

a. Enter the date the loan application was received by your institution by month, day, and year. If your institution normally records the date shown on the application form you may use that date instead. Enter ''NA'' for loans purchased by your institution. For paper submissions only, use numerals in the form MM/DD/CCYY (for example, 01/15/2003). For submissions in electronic form, the proper format is CCYYMMDD.

3. Type of Loan or Application

Indicate the type of loan or application by entering the applicable code from the following:

Code 1—Conventional (any loan other than FHA, VA, FSA, or RHS loans)
Code 2—FHA-insured (Federal Housing Administration)
Code 3—VA-guaranteed (Veterans Administration)
Code 4—FSA/RHS-guaranteed (Farm Service Agency or Rural Housing Service)

4. Property Type

Indicate the property type by entering the applicable code from the following:

Code 1—One-to four-family dwelling (other than manufactured housing)
Code 2—Manufactured housing
Code 3—Multifamily dwelling

a. Use Code 1, not Code 3, for loans on individual condominium or cooperative units.

b. If you cannot determine (despite reasonable efforts to find out) whether the loan or application relates to a manufactured home, use Code 1.

5. Purpose of Loan or Application

Indicate the purpose of the loan or application by entering the applicable code from the following:

Code 1—Home purchase
Code 2—Home improvement
Code 3—Refinancing

a. Do not report a refinancing if, under the loan agreement, you were unconditionally obligated to refinance the obligation, or you were obligated to refinance the obligation subject to conditions within the borrower's control.

6. Owner Occupancy

Indicate whether the property to which the loan or loan application relates is to be owner-occupied as a principal residence by entering the applicable code from the following:

Code 1—Owner-occupied as a principal dwelling
Code 2—Not owner-occupied as a principal dwelling
Code 3—Not applicable

a. For purchased loans, use Code 1 unless the loan documents or application indicate that the property will not be owner-occupied as a principal residence.

b. Use Code 2 for second homes or vacation homes, as well as for rental properties.

c. Use Code 3 if the property to which the loan relates is a multifamily dwelling; is not located in a metropolitan area; or is located in a metropolitan area in which your institution has neither a home nor a branch office. Alternatively, at your institution's option, you may report the actual occupancy status, using Code 1 or 2 as applicable.

7. Loan Amount

Enter the amount of the loan or application. Do not report loans below $500. Show the amount in thousands, rounding to the nearest thousand (round $500 up to the next $1,000). For example, a loan for $167,300 should be entered as 167 and one for $15,500 as 16.

a. For a home purchase loan that you originated, enter the principal amount of the loan.

b. For a home purchase loan that you purchased, enter the unpaid principal balance of the loan at the time of purchase.

c. For a home improvement loan, enter the entire amount of the loan—including unpaid finance charges if that is how such loans are recorded on your books—even if only a part of the proceeds is intended for home improvement.

d. If you opt to report home-equity lines of credit, report only the portion of the line intended for home improvement or home purchase.

e. For refinancings, indicate the total amount of the refinancing, including both the amount outstanding on the original loan and any amount of ''new money.''

f. For a loan application that was denied or withdrawn, enter the amount applied for.

8. Request for Preapproval

Indicate whether the application is a request for a preapproval by entering the applicable code from the following:

Code 1—Preapproval requested
Code 2—Preapproval not requested
Code 3—Not applicable

a. Enter code 3 for applications or loans for home improvement or refinancing, and for purchased loans.

B. Action Taken

1. Type of Action

Indicate the type of action taken on the application or loan by using one of the following codes.

Code 1—Loan originated
Code 2—Application approved but not accepted
Code 3—Application denied
Code 4—Application withdrawn
Code 5—File closed for incompleteness
Code 6—Loan purchased by your institution
Code 7—Preapproval request denied
Code 8—Preapproval request approved but not accepted (optional reporting)

a. Use Code 1 for a loan that is originated, including one resulting from a request for preapproval.

b. For a counteroffer (your offer to the applicant to make the loan on different terms or in a different amount from the terms or amount applied for), use Code 1 if the applicant accepts. Use Code 3 if the applicant turns down the counteroffer or does not respond.

c. Use Code 2 when the application is approved but the applicant (or the loan broker or correspondent) fails to respond to your notification of approval or your commitment letter within the specified time. Do not use this code for a preapproval request.

d. Use Code 4 only when the application is expressly withdrawn by the applicant before a credit decision is made. Do not use code 4 if a request for preapproval is withdrawn; preapproval requests that are withdrawn are not reported under HMDA.

e. Use Code 5 if you sent a written notice of incompleteness under § 202.9(c)(2) of Regulation B (Equal Credit Opportunity) and the applicant did not respond to your request for additional information within the period of time specified in your notice. Do not use this code for requests for preapproval that are incomplete; these preapproval requests are not reported under HMDA.

2. Date of Action

For paper submissions only, enter the date by month, day, and year, using numerals in the form MM/DD/CCYY (for example, 02/22/2003). For submissions in electronic form, the proper format is CCYYMMDD.

a. For loans originated, enter the settlement or closing date.

b. For loans purchased, enter the date of purchase by your institution.

c. For applications and preapprovals denied, applications and preapprovals approved but not accepted by the applicant, and files closed for incompleteness, enter the date that the action was taken by your institution or the date the notice was sent to the applicant.

d. For applications withdrawn, enter the date you received the applicant's express withdrawal, or enter the date shown on the notification from the applicant, in the case of a written withdrawal.

e. For preapprovals that lead to a loan origination, enter the date of the origination.

C. Property Location

Except as otherwise provided, enter in these columns the applicable codes for the metropolitan area, state, county, and census tract to indicate the location of the property to which a loan relates.

1. *Metropolitan area.* For each loan or loan application, enter the metropolitan area

number. Metropolitan area boundaries are defined by OMB; use the boundaries that were in effect on January 1 of the calendar year for which you are reporting. A listing of metropolitan areas is available from your supervisory agency or the FFIEC.

2. State and County

Use the Federal Information Processing Standard (FIPS) two-digit numerical code for the state and the three-digit numerical code for the county. These codes are available from your supervisory agency or the FFIEC.

3. Census Tract

Indicate the census tract where the property is located. Notwithstanding paragraph 6, if the property is located in a county with a population of 30,000 or less in the 2000 census (as determined by the Census Bureau's 2000 CPH–2 population series), enter ''NA'' (even if the population has increased above 30,000 since 2000), or enter the census tract number.

4. Census Tract Number

For the census tract number, consult the U.S. Census Bureau's Census Tract/Street Index for 2000; for addresses not listed in the index, consult the Census Bureau's census tract outline maps. Use the maps from the Census Bureau's 2000 CPH–3 series, or equivalent 2000 census data from the Census Bureau (such as the Census TIGER/Line file) or from a private publisher.

5. Property Located Outside Metropolitan Area

For loans on property located outside the metropolitan areas in which an institution has a home or branch office, or for property located outside of any metropolitan area, the institution may choose one of the following two options. Under option one, the institution may enter the metropolitan area, state and county codes and the census tract number; and if the property is not located in any metropolitan area, it may enter ''NA'' in the metropolitan area column. (Codes exist for all states and counties and numbers exist for all census tracts.) Under this first option, the codes and census tract number must accurately identify the property location. Under the second option, which is not available if paragraph 6 applies, an institution may enter ''NA'' in all four columns, whether or not the codes or numbers exist for the property location.

6. Data Reporting for Banks and Savings Associations Required To Report Data on Small Business, Small Farm, and Community Development Lending Under the CRA Regulations

If your institution is a bank or savings association that is required to report data under the regulations that implement the CRA, you must enter the property location on your HMDA/LAR even if the property is outside metropolitan areas in which you have a home or branch office, or is not located in any metropolitan area.

7. Requests for Preapproval

Notwithstanding paragraphs 1 through 6, if the application is a request for preapproval that is denied or that is approved but not accepted by the applicant, you may enter ''NA'' in all four columns.

D. Applicant Information—Ethnicity, Race, Sex, and Income

Appendix B contains instructions for the collection of data on ethnicity, race, and sex, and also contains a sample form for data collection.

1. Applicability

Report this information for loans that you originate as well as for applications that do not result in an origination.

a. You need not collect or report this information for loans purchased. If you choose not to, use the Codes for ''not applicable.''

b. If the borrower or applicant is not a natural person (a corporation or partnership, for example), use the Codes for ''not applicable.''

2. Mail, Internet, or Telephone Applications

Any loan applications mailed to applicants or made available to applicants via the Internet must contain a collection form similar to that shown in Appendix B regarding ethnicity, race, and sex. For applications taken entirely by telephone, you may, but are not required to, request the data on ethnicity, race, and sex. If the applicant does not provide these data in an application taken by mail, Internet, or telephone, enter the code for ''information not provided by applicant in mail, Internet, or telephone application'' specified in paragraphs I.D.3., 4., and 5. (See Appendix B for complete information on the collection of these data in mail, Internet, or telephone applications.)

3. Ethnicity of Borrower or Applicant

Use the following codes to indicate the ethnicity of the applicant or borrower under column ''A'' and of any co-applicant or co-borrower under column ''CA.''

Code 1—Hispanic or Latino
Code 2—Not Hispanic or Latino
Code 3—Information not provided by applicant in mail, Internet, or telephone application
Code 4—Not applicable
Code 5—No co-applicant

4. Race of Borrower or Applicant

Use the following Codes to indicate the race of the applicant or borrower under column ''A'' and of any co-applicant or co-borrower under column ''CA.''

Code 1—American Indian or Alaska Native
Code 2—Asian
Code 3—Black or African American
Code 4—Native Hawaiian or Other Pacific Islander
Code 5—White
Code 6—Information not provided by applicant in mail, Internet, or telephone application
Code 7—Not applicable
Code 8—No co-applicant

a. If an applicant select more than one racial designation, enter all Codes corresponding to the applicant's selections.

b. Use code 4 (for ethnicity) and code 7 (for race) for ''not applicable'' only when the applicant or co-applicant is not a natural person or when applicant or co-applicant information is unavailable because the loan has been purchased by your institution.

c. If there is more than one co-applicant, provide the required information only for the first co-applicant listed on the application form. If there are no co-applicants or co-borrowers, use Code 5 (for ethnicity) and Code 8 (for race) for ''no co-applicant'' in the co-applicant column.

5. Sex of Borrower or Applicant

Use the following Codes to indicate the sex of the applicant or borrower under column ''A'' and of any co-applicant or co-borrower under column ''CA.''

Code 1—Male
Code 2—Female
Code 3—Information not provided by applicant in mail, Internet, or telephone application
Code 4—Not applicable
Code 5—No co-applicant or co-borrower

a. Use code 4 for ''not applicable'' only when the applicant or co-applicant is not a natural person or when applicant or co-applicant information is unavailable because the loan has been purchased by your institution.

b. If there is more than one co-applicant, provide the required information only for the first co-applicant listed on the application form. If there are no co-applicants or co-borrowers, use Code 5 for ''no co-applicant'' in the co-applicant column.

6. Income

Enter the gross annual income that your institution relied on in making the credit decision.

a. Round all dollar amounts to the nearest thousand (round $500 up to the next $1,000), and show in thousands. For example, report $35,500 as 36.

b. For loans on multifamily dwellings, enter ''NA.''

c. If no income information is asked for or relied on in the credit decision, enter ''NA.''

d. If the applicant or co-applicant is not a natural person or the applicant or co-applicant information is unavailable because the loan has been purchased by your institution, enter ''NA.''

E. Type of Purchaser

Enter the applicable code to indicate whether a loan that your institution originated or purchased was then sold to a secondary market entity within the same calendar year:

Code 0—Loan was not originated or was not sold in calendar year covered by register
Code 1—Fannie Mae
Code 2—Ginnie Mae
Code 3—Freddie Mac
Code 4—Farmer Mac
Code 5—Private securitization
Code 6—Commercial bank, savings bank or savings association
Code 7—Life insurance company, credit union, mortgage bank, or finance company
Code 8—Affiliate institution
Code 9—Other type of purchaser

a. Use Code 0 for applications that were denied, withdrawn, or approved but not accepted by the applicant; and for files closed for incompleteness.

b. Use Code 0 if you originated or purchased a loan and did not sell it during

that same calendar year. If you sell the loan in a succeeding year, you need not report the sale.

c. Use Code 2 if you conditionally assign a loan to Ginnie Mae in connection with a mortgage-backed security transaction.

d. Use Code 8 for loans sold to an institution affiliated with you, such as your subsidiary or a subsidiary of your parent corporation.

F. Reasons for Denial

1. You may report the reason for denial, and you may indicate up to three reasons, using the following codes. Leave this column blank if the ''action taken'' on the application is not a denial. For example, do not complete this column if the application was withdrawn or the file was closed for incompleteness.

Code 1—Debt-to-income ratio
Code 2—Employment history
Code 3—Credit history
Code 4—Collateral
Code 5—Insufficient cash (downpayment, closing costs)
Code 6—Unverifiable information
Code 7—Credit application incomplete
Code 8—Mortgage insurance denied
Code 9—Other

2. If your institution uses the model form for adverse action contained in the Appendix to Regulation B (Form C–1 in Appendix C, Sample Notification Form), use the foregoing codes as follows:

a. Code 1 for: Income insufficient for amount of credit requested, and Excessive obligations in relation to income.

b. Code 2 for: Temporary or irregular employment, and Length of employment.

c. Code 3 for: Insufficient number of credit references provided; Unacceptable type of credit references provided; No credit file; Limited credit experience; Poor credit performance with us; Delinquent past or present credit obligations with others; Garnishment, attachment, foreclosure, repossession, collection action, or judgment; and Bankruptcy.

d. Code 4 for: Value or type of collateral not sufficient.

e. Code 6 for: Unable to verify credit references; Unable to verify employment; Unable to verify income; and Unable to verify residence.

f. Code 7 for: Credit application incomplete.

g. Code 9 for: Length of residence; Temporary residence; and Other reasons specified on notice.

G. Pricing-Related Data

1. Rate Spread

a. For a home purchase loan, a refinancing, or a dwelling-secured home improvement loan that you originated, report the rate spread if the difference between the APR and the applicable Treasury yield is equal to or greater than 3 percentage points for first-lien loans or 5 percentage points for subordinate-lien loans. To determine whether the rate spread meets this threshold, use the Treasury yield for a comparable period of maturity as of the 15th day of the month preceding the month in which the application for the loan was received by the financial institution, and the annual percentage rate (APR) for the loan, as calculated and disclosed under § 226.6 or 226.18 of Regulation Z (12 CFR part 226).

b. If the loan is not subject to Regulation Z, or involves a home improvement loan that is not dwelling-secured, or involves a loan that you purchased, enter ''NA.''

c. Enter ''NA'' in the case of an application that does not result in a loan origination.

d. If the difference between the APR and the Treasury yield is less than 3 percentage points for first-lien loans and 5 percentage points for subordinate-lien loans, enter ''NA.''

e. Enter the rate spread to two decimal places, and use a leading zero. For example, enter 03.29. If the difference between the APR and the Treasury yield is a figure with more than two decimal places, round the figure or truncate the digits beyond two decimal places.

2. HOEPA Status

a. For a loan that you originated or purchased that is subject to the Home Ownership and Equity Protection Act of 1994 (HOEPA), as implemented in Regulation Z (12 CFR 226.32), because the APR or the points and fees on the loan exceed the HOEPA triggers, enter Code 1.

b. Enter code 2 in all other cases. For example, enter code 2 for a loan that you originated or purchased that is not subject to the requirements of HOEPA for any reason; also enter code 2 in the case of an application that does not result in a loan origination.

II. Federal Supervisory Agencies

A. You are strongly encouraged to submit your loan/application register via Internet e-mail. If you elect to use this method of transmission and your institution is regulated by the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, or the Office of Thrift Supervision, then you should submit your institution's files to the Internet e-mail address dedicated to that purpose by the Federal Reserve Board, which can be found on the Web site of the FFIEC. If your institution is regulated by one of the foregoing agencies and you elect to submit your data by regular mail, then use the following address: HMDA, Federal Reserve Board, Attention: HMDA Processing,(insert name of your institution's regulatory agency), 20th & Constitution Ave, NW., MS N502, Washington, DC 20551–0001.

B. If your institution is regulated by the Federal Reserve System, you should use the Internet e-mail or regular mail address of your district bank indicated on the Web site of the FFIEC. If your institution is regulated by the Department of Housing and Urban Development, then you should use the Internet e-mail or regular mail address indicated on the Web site of the FFIEC.

BILLING CODE 6210–01–P

Form FR HMDA-LAR
OMB Nos. 1557-0159 (OCC), 3064-0046 (FDIC), 1550-0021 (OTS), 7100-0247 (FRB), and 2502-0529 (HUD); NCUA number pending.

LOAN/APPLICATION REGISTER TRANSMITTAL SHEET

You must complete this transmittal sheet (please type or print) and attach it to the Loan/Application Register, required by the Home Mortgage Disclosure Act, that you submit to your supervisory agency.

Reporter's Identification Number	Agency Code	Reporter's Tax Identification Number	Total line entries contained in attached Loan/Application Register
_ _ _ _ _ _ _ _ _ _ –	_	_ _ – _ _ _ _ _ _ _	_____

The Loan/Application Register that is attached covers activity during the year_____ and contains a total of _____ pages.

Enter the name and address of your institution. The disclosure statement that is produced by the Federal Financial Institutions Examination Council will be mailed to the address you supply below:

_____
Name of Institution

_____
Address

_____
City, State, ZIP

Enter the name and address of any parent company:

_____
Name of Parent Company

_____
Address

_____
City, State, ZIP

Enter the name, telephone number, facsimile number, and e-mail address of a person who may be contacted about questions regarding your register:

Name	Telephone Number	Facsimile Number	E-Mail Address
_____	( ) _____	( ) _____	_____

An officer of your institution must complete the following section.

I certify to the accuracy of the data contained in this register.

Name of Officer	Signature	Date
_____	_____	_____

LOAN/APPLICATION REGISTER Page___of___

Name of Reporting Institution City, State, ZIP

Form FR HMDA–LAR

Reporter's Identification Number

Agency Code

All columns (except Reasons for Denial) must be completed for each entry. See the instructions for details.

Application or Loan Information								Action Taken		Property Location				Applicant Information A = Applicant CA = Co-Applicant								Other Data	
														Ethnicity		Race		Sex					
Application or Loan Number	Date Application Received (mm/dd/ccyy)	Loan Type	Property Type	Purpose	Owner Occupancy	Loan Amount in Thousands	Preapproval	Type	Date (mm/dd/ccyy)	Four-Digit Metropolitan Area Number	Two-Digit State Code	Three-Digit County Code	Six-Digit Census Tract	A	CA	A	CA	A	CA	Gross Annual Income in thousands	Type of Purchaser of Loan	Reasons for Denial (optional)	Rate Spread	HOEPA Status
Example of Loan Originated Following Preapproval LB-687439	01/15/2003	1	1	1	1	65	1	1	02/22/2003	8840	51	059	421.85	2	5	35	8	1	5	24	7		NA	2
Example of Preapproval Request Denied 567890432-1234098765	06/01/2003	1	1	1	1	125	1	7	06/20/2003	NA	NA	NA	NA	2	2	3	2	1	2	40	0	1,3	NA	2
Example of Application Denied Following Preapproval 0123456789-9876543210	03/20/2003	1	1	1	1	50	1	3	04/30/2003	0450	01	015	0021.00	1	1	5	3	2	1	30	0	4,5	NA	2
Example of Application Denied 234123789-312	02/18/2003	1	2	1	1	35	2	3	03/10/2003	6200	04	013	0015.02	2	5	5	8	2	5	20	0	2,3	NA	2

LOAN/APPLICATION REGISTER CODE SHEET

Use the following codes to complete the Loan/Application Register. The instructions to the HMDA-LAR explain the proper use of each code.

Application or Loan Information

Loan Type:
1—Conventional (any loan other than FHA, VA, FSA, or RHS loans)
2—FHA-insured (Federal Housing Administration)
3—VA-guaranteed (Veterans Administration)
4—FSA/RHS (Farm Service Agency or Rural Housing Service)

Property Type:
1—One to four-family (other than manufactured housing)
2—Manufactured housing
3—Multifamily

Purpose of Loan:
1—Home purchase
2—Home improvement
3—Refinancing

Owner-Occupancy:
1—Owner-occupied as a principal dwelling
2—Not owner-occupied
3—Not applicable

Preapproval (home purchase loan only):
1—Preapproval was requested
2—Preapproval was not requested
3—Not applicable

Action Taken:
1—Loan originated
2—Application approved but not accepted
3—Application denied by financial institution
4—Application withdrawn by applicant
5—File closed for incompleteness
6—Loan purchased by financial institution
7—Preapproval request denied by financial institution
8—Preapproval request approved but not accepted (optional reporting)

Applicant Information

Ethnicity:
1—Hispanic or Latino
2—Not Hispanic or Latino
3—Information not provided by applicant in mail, internet, or telephone application
4—Not applicable (see App. A, I.D.)
5—No co-applicant

Race:
1—American Indian or Alaska Native
2—Asian
3—Black or African American
4—Native Hawaiian or Other Pacific Islander
5—White
6—Information not provided by applicant in mail, internet, or telephone application
7—Not applicable (see App. A, I.D.)
8—No co-applicant

Sex:
1—Male
2—Female
3—Information not provided by applicant in mail, internet, or telephone application
4—Not applicable (see App. A, I.D.)
5—No co-applicant

Type of Purchaser

0—Loan was not originated or was not sold in calendar year covered by register
1—Fannie Mae
2—Ginnie Mae
3—Freddie Mac
4—Farmer Mac
5—Private securitization
6—Commercial bank, savings bank or savings association
7—Life insurance company, credit union, mortgage bank, or finance company
8—Affiliate institution
9—Other type of purchaser

Reasons for Denial (optional reporting)

1—Debt-to-income ratio
2—Employment history
3—Credit history
4—Collateral
5—Insufficient cash (downpayment, closing costs)
6—Unverifiable information
7—Credit application incomplete
8—Mortgage insurance denied
9—Other

Other Data

HOEPA Status (only for loans originated or purchased):
1—HOEPA loan
2—Not a HOEPA loan

BILLING CODE 6210–01–C

Appendix B to Part 203—Form and Instructions for Data Collection on Ethnicity, Race, and Sex

I. Instructions on Collection of Data on Ethnicity, Race, and Sex

You may list questions regarding the ethnicity, race, and sex of the applicant on your loan application form, or on a separate form that refers to the application. (See the sample form below for model language.)

II. Procedures

A. You must ask the applicant for this information (but you cannot require the applicant to provide it) whether the application is taken in person, by mail or on the Internet. When an application is taken entirely by telephone, you may, but are not required to, ask for this information.

B. Inform the applicant that the federal government requests this information in order to monitor compliance with federal statutes that prohibit lenders from discriminating against applicants on these bases. Inform the applicant that if the information is not provided where the application is taken in person, you are required to note the data on the basis of visual observation or surname.

C. You must offer the applicant the option of selecting one or more racial designations.

D. If the applicant chooses not to provide the information for an application taken in person, note this fact on the form and then note the applicant's ethnicity, race, and sex on the basis of visual observation and surname, to the extent possible.

E. If the applicant declines to answer these questions or fails to provide the information on an application taken by mail or telephone or on the Internet, the data need not be provided. In such a case, indicate that the application was received by mail, telephone, or Internet, if it is not otherwise evident on the face of the application.

BILLING CODE 6210–01–P

SAMPLE DATA-COLLECTION FORM
INFORMATION FOR GOVERNMENT MONITORING PURPOSES

The following information is requested by the federal government for certain types of loans related to a dwelling in order to monitor the lender's compliance with equal credit opportunity, fair housing, and home mortgage disclosure laws. You are not required to furnish this information, but are encouraged to do so. You may select one or more designations for "Race." The law provides that a lender may not discriminate on the basis of this information, or on whether you choose to furnish it. However, if you choose not to furnish the information and you have made this application in person, under federal regulations the lender is required to note ethnicity, race, and sex on the basis of visual observation or surname. If you do not wish to furnish the information, please check below.

APPLICANT:

☐ I do not wish to furnish this information

Ethnicity:

☐ Hispanic or Latino
☐ Not Hispanic or Latino

Race:

☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White

Sex:

☐ Female
☐ Male

CO-APPLICANT:

☐ I do not wish to furnish this information

Ethnicity:

☐ Hispanic or Latino
☐ Not Hispanic or Latino

Race:

☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White

Sex:

☐ Female
☐ Male

BILLING CODE 6210–01–C

Supplement I to Part 203—Staff Commentary

Introduction

1. *Status.* The commentary in this supplement is the vehicle by which the Division of Consumer and Community Affairs of the Federal Reserve Board issues formal staff interpretations of Regulation C (12 CFR part 203).

Section 203.1—Authority, Purpose, and Scope

1(c) *Scope.* 1. *General.* The comments in this section address issues affecting coverage of institutions and exemptions from coverage.

2. *The broker rule and the meaning of ''broker'' and ''investor.''* For the purposes of the guidance given in this commentary, an institution that takes and processes a loan application and arranges for another institution to acquire the loan at or after closing is acting as a ''broker,'' and an institution that acquires a loan from a broker at or after closing is acting as an ''investor.'' (The terms used in this commentary may have different meanings in certain parts of the mortgage lending industry, and other terms may be used in place of these terms, for example in the Federal Housing Administration mortgage insurance programs.) Depending on the facts, a broker may or may not make a credit decision on an application (and thus it may or may not have reporting responsibilities). If the broker makes a credit decision, it reports that decision; if it does not make a credit decision, it does not report. If an investor reviews an application and makes a credit decision prior to closing, the investor reports that decision. If the investor does not review the application prior to closing, it reports only the loans that it purchases; it does not report the loans it does not purchase. An institution that makes a credit decision on an application prior to closing reports that decision regardless of whose name the loan closes in.

3. *Illustrations of the broker rule.* Assume that, prior to closing, four investors receive the same application from a broker; two deny it, one approves it, and one approves it and acquires the loan. In these circumstances, the first two report denials, the third reports the transaction as approved but not accepted, and the fourth reports an origination (whether the loan closes in the name of the broker or the investor). Alternatively, assume that the broker denies a loan before sending it to an investor; in this situation, the broker reports a denial.

4. *Broker's use of investor's underwriting criteria.* If a broker makes a credit decision based on underwriting criteria set by an investor, but without the investor's review prior to closing, the broker has made the credit decision. The broker reports as an origination a loan that it approves and closes, and reports as a denial an application that it turns down (either because the application does not meet the investor's underwriting guidelines or for some other reason). The investor reports as purchases only those loans it purchases.

5. *Insurance and other criteria.* If an institution evaluates an application based on the criteria or actions of a third party other than an investor (such as a government or private insurer or guarantor), the institution must report the action taken on the application (loan originated, approved but not accepted, or denied, for example).

6. *Credit decision of agent is decision of principal.* If an institution approves loans through the actions of an agent, the institution must report the action taken on the application (loan originated, approved but not accepted, or denied, for example). State law determines whether one party is the agent of another.

7. *Affiliate bank underwriting (250.250 review).* If an institution makes an independent evaluation of the creditworthiness of an applicant (for example, as part of a preclosing review by an affiliate bank under 12 CFR 250.250, which interprets section 23A of the Federal Reserve Act), the institution is making a credit decision. If the institution then acquires the loan, it reports the loan as an origination whether the loan closes in the name of the institution or its affiliate. An institution that does not acquire the loan but takes some other action reports that action.

8. *Participation loan.* An institution that originates a loan and then sells partial interests to other institutions reports the loan as an origination. An institution that acquires only a partial interest in such a loan does not report the transaction even if it has participated in the underwriting and origination of the loan.

9. *Assumptions.* An assumption occurs when an institution enters into a written agreement accepting a new borrower as the obligor on an existing obligation. An institution reports as a home purchase loan an assumption (or an application for an assumption) in the amount of the outstanding principal. If a transaction does not involve a written agreement between a new borrower and the institution, it is not an assumption for HMDA purposes and is not reported.

Section 203.2—Definitions

2(b) *Application.* 1. *Consistency with Regulation B.* Board interpretations that appear in the official staff commentary to Regulation B (Equal Credit Opportunity, 12 CFR part 202, Supplement 1) are generally applicable to the definition of an application under Regulation C. However, under Regulation C the definition of an application does not include prequalification requests.

2. *Prequalification.* A prequalification request is a request by a prospective loan applicant (other than a request for preapproval) for a preliminary determination on whether the prospective applicant would likely qualify for credit under an institution's standards, or for a determination on the amount of credit for which the prospective applicant would likely qualify. Some institutions evaluate prequalification requests through a procedure that is separate from the institution's normal loan application process; others use the same process. In either case, Regulation C does not require an institution to report prequalification requests on the HMDA/LAR, even though these requests may constitute applications under Regulation B for purposes of adverse action notices.

3. *Requests for preapproval.* To be a covered preapproval program, the written commitment issued under the program must result from a full review of the creditworthiness of the applicant, including such verification of income, resources and other matters as is typically done by the institution as part of its normal credit evaluation program. In addition to conditions involving the identification of a suitable property and verification that no material change has occurred in the applicant's financial condition or creditworthiness, the written commitment may be subject only to other conditions (unrelated to the financial condition or creditworthiness of the applicant) that the lender ordinarily attaches to a traditional home mortgage application approval. These conditions are limited to conditions such as requiring an acceptable title insurance binder or a certificate indicating clear termite inspection, and, in the case where the applicant plans to use the proceeds from the sale of the applicant's present home to purchase a new home, a settlement statement showing adequate proceeds from the sale of the present home.

2(c) *Branch office.* 1. *Credit union.* For purposes of Regulation C, a ''branch'' of a credit union is any office where member accounts are established or loans are made, whether or not the office has been approved as a branch by a federal or state agency. (See 12 U.S.C. 1752.)

2. *Depository institution.* A branch of a depository institution does not include a loan production office, the office of an affiliate, or the office of a third party such as a loan broker. (But see Appendix A, Paragraph I.C.6, which requires certain depository institutions to report property location even for properties located outside those metropolitan areas in which the institution has a home or branch office.)

3. *Nondepository institution.* For a nondepository institution, ''branch office'' does not include the office of an affiliate or other third party such as a loan broker. (But note that certain nondepository institutions must report property location even in metropolitan areas where they do not have a physical location.)

2(d) *Dwelling.* 1. *Coverage.* The definition of ''dwelling'' is not limited to the principal or other residence of the applicant or borrower, and thus includes vacation or second homes and rental properties. A dwelling also includes a multifamily structure such as an apartment building.

2. *Exclusions.* Recreational vehicles such as boats or campers are not dwellings for purposes of HMDA. Also excluded are transitory residences such as hotels, hospitals, and college dormitories—whose occupants have principal residences elsewhere.

2(e) *Financial institution.* 1. *General.* An institution that met the test for coverage under HMDA in year 1, and then ceases to meet the test (for example, because its assets fall below the threshold on December 31 of year 2) stops collecting HMDA data beginning with year 3. Similarly, an institution that did not meet the coverage test for a given year, and then meets the test in the succeeding year, begins collecting HMDA

data in the calendar year following the year in which it meets the test for coverage. For example, a for-profit mortgage lending institution (other than a bank, savings association, or credit union) that, in year 1, falls below the thresholds specified in § 203.2(e)(2)(ii)(A) and (B), but meets one of them in year 2, need not collect data in year 2, but begins collecting data in year 3.

2. *Adjustment of exemption threshold for depository institutions.* Depository institutions with assets at or below $32 million are exempt from collecting data for 2002.

3. *Coverage after a merger.* Several scenarios of data-collection responsibilities for the calendar year of a merger are described below. Under all the scenarios, if the merger results in a covered institution, that institution must begin data collection January I of the following calendar year.

i. Two institutions are not covered by Regulation C because of asset size. The institutions merge. No data collection is required for the year of the merger (even if the merger results in a covered institution).

ii. A covered institution and an exempt institution merge. The covered institution is the surviving institution. For the year of the merger, data collection is required for the covered institution's transactions. Data collection is optional for transactions handled in offices of the previously exempt institution.

iii. A covered institution and an exempt institution merge. The exempt institution is the surviving institution, or a new institution is formed. Data collection is required for transactions of the covered institution that take place prior to the merger. Data collection is optional for transactions taking place after the merger date.

iv. Two covered institutions merge. Data collection is required for the entire year. The surviving or resulting institution files either a consolidated submission or separate submissions for that year.

4. *Originations.* HMDA coverage depends in part on whether an institution has originated home purchase loans. To determine whether activities with respect to a particular loan constitute an origination, institutions should consult, among other parts of the staff commentary, the discussion of the broker rule under §§ 203.1(c) and 203.4(a).

5. *Branches of foreign banks—treated as banks.* A federal branch or a state-licensed insured branch of a foreign bank is a ''bank'' under section 3(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)), and is covered by HMDA if it meets the tests for a depository institution found in § 203.2(e)(1) of Regulation C.

6. *Branches and offices of foreign banks—treated as for-profit mortgage lending institutions.* Federal agencies, state-licensed agencies, state-licensed uninsured branches of foreign banks, commercial lending companies owned or controlled by foreign banks, and entities operating under section 25 or 25A of the Federal Reserve Act, 12 U.S.C. 601 and 611 (Edge Act and agreement corporations) are not ''banks'' under the Federal Deposit Insurance Act. These entities are nonetheless covered by HMDA if they meet the tests for a for-profit nondepository mortgage lending institution found in § 203.2(e)(2) of Regulation C.

2(g) *Home improvement loan.* 1. Classification requirement for loans not secured by a lien on a dwelling. An institution has ''classified'' a loan that is not secured by a lien on a dwelling as a home improvement loan if it has entered the loan on its books as a home improvement loan, or has otherwise coded or identified the loan as a home improvement loan. For example, an institution that has booked a loan or reported it on a ''call report'' as a home improvement loan has classified it as a home improvement loan. An institution may also classify loans as home improvement loans in other ways (for example, by color-coding loan files).

2. *Improvements to real property.* Home improvements include improvements both to a dwelling and to the real property on which the dwelling is located (for example, installation of a swimming pool, construction of a garage, or landscaping).

3. *Commercial and other loans.* A home improvement loan may include a loan originated outside an institution's residential mortgage lending division (such as a loan to improve an apartment building made through the commercial loan department).

4. *Mixed-use property.* A loan to improve property used for residential and commercial purposes (for example, a building containing apartment units and retail space) is a home improvement loan if the loan proceeds are used primarily to improve the residential portion of the property. If the loan proceeds are used to improve the entire property (for example, to replace the heating system), the loan is a home improvement loan if the property itself is primarily residential. An institution may use any reasonable standard to determine the primary use of the property, such as by square footage or by the income generated. An institution may select the standard to apply on a case-by-case basis. If the loan is unsecured, to report the loan as a home improvement loan the institution must also have classified it as such.

5. *Multiple-category loans.* If a loan is a home improvement loan as well as a refinancing, an institution reports the loan as a home improvement loan.

2(h) *Home purchase loan.* 1. *Multiple properties.* A home purchase loan includes a loan secured by one dwelling and used to purchase another dwelling.

2. *Mixed-use property.* A dwelling-secured loan to purchase property used primarily for residential purposes (for example, an apartment building containing a convenience store) is a home purchase loan. An institution may use any reasonable standard to determine the primary use of the property, such as by square footage or by the income generated. An institution may select the standard to apply on a case-by-case basis.

3. *Farm loan.* A loan to purchase property used primarily for agricultural purposes is not a home purchase loan even if the property includes a dwelling. An institution may use any reasonable standard to determine the primary use of the property, such as by reference to the exemption from Regulation X (Real Estate Settlement Procedures, 24 CFR 3500.5(b)(1)) for a loan on property of 25 acres or more. An institution may select the standard to apply on a case-by-case basis.

4. *Commercial and other loans.* A home purchase loan may include a loan originated outside an institution's residential mortgage lending division (such as a loan for the purchase of an apartment building made through the commercial loan department).

5. *Construction and permanent financing.* A home purchase loan includes both a combined construction/permanent loan and the permanent financing that replaces a construction-only loan. It does not include a construction-only loan, which is considered ''temporary financing'' under Regulation C and is not reported.

6. *Second mortgages that finance the downpayments on first mortgages.* If an institution making a first mortgage loan to a home purchaser also makes a second mortgage loan to the same purchaser to finance part or all the home purchaser's downpayment, the institution reports each loan separately as a home purchase loan.

7. *Multiple-category loans.* If a loan is a home purchase loan as well as a home improvement loan, or a refinancing, an institution reports the loan as a home purchase loan.

Section 203.4—Compilation of Loan Data

4(a) Data Format and Itemization. 1. *Reporting requirements.*

i. An institution reports data on loans that it originated and loans that it purchased during the calendar year described in the report. An institution reports these data even if the loans were subsequently sold by the institution.

ii. An institution reports the data for loan applications that did not result in originations—for example, applications that the institution denied or that the applicant withdrew during the calendar year covered by the report.

iii. In the case of brokered loan applications or applications forwarded through a correspondent, the institution reports as originations the loans that it approved and subsequently acquired per a pre-closing arrangement (whether or not they closed in the institution's name). Additionally, the institution reports the data for all applications that did not result in originations—for example, applications that the institution denied or that the applicant withdrew during the calendar year covered by the report (whether or not they would have closed in the institution's name). For all of these loans and applications, the institution reports the required data regarding the borrower's or applicant's ethnicity, race, sex, and income.

iv. Loan originations are to be reported only once. If the institution is the loan broker or correspondent, it does not report as originations the loans that it forwarded to another lender for approval prior to closing, and that were approved and subsequently acquired by that lender (whether or not they closed in the institution's name).

v. An institution reports applications that were received in the previous calendar year but were acted upon during the calendar year covered by the current register.

vi. A financial institution submits all required data to its supervisory agency in one package, with the prescribed transmittal sheet. An officer of the institution certifies to the accuracy of the data.

vii. The transmittal sheet states the total number of line entries contained in the accompanying data transmission.

2. *Updating—agency requirements.* Certain state or federal regulations, such as the Federal Deposit Insurance Corporation's regulations, may require an institution to update its data more frequently than is required under Regulation C.

3. *Form of quarterly updating.* An institution may maintain the quarterly updates of the HMDA/LAR in electronic or any other format, provided the institution can make the information available to its regulatory agency in a timely manner upon request.

4(a)(1) Application number and application date. 1. *Application date—consistency.* In reporting the date of application, an institution reports the date the application was received or the date shown on the application. Although an institution need not choose the same approach for its entire HMDA submission, it should be generally consistent (such as by routinely using one approach within a particular division of the institution or for a category of loans).

2. *Application date—application forwarded by a broker.* For an application forwarded by a broker, an institution reports the date the application was received by the broker, the date the application was received by the institution, or the date shown on the application. Although an institution need not choose the same approach for its entire HMDA submission, it should be generally consistent (such as by routinely using one approach within a particular division of the institution or for a category of loans).

3. *Application date—reinstated application.* If, within the same calendar year, an applicant asks an institution to reinstate a counteroffer that the applicant previously did not accept (or asks the institution to reconsider an application that was denied, withdrawn, or closed for incompleteness), the institution may treat that request as the continuation of the earlier transaction or as a new transaction. If the institution treats the request for reinstatement or reconsideration as a new transaction, it reports the date of the request as the application date.

4. *Application or loan number.* An institution must ensure that each identifying number is unique within the institution. If an institution's register contains data for branch offices, for example, the institution could use a letter or a numerical code to identify the loans or applications of different branches, or could assign a certain series of numbers to particular branches to avoid duplicate numbers. Institutions are strongly encouraged not to use the applicant's or borrower's name or social security number, for privacy reasons.

5. *Application—year action taken.* An institution must report an application in the calendar year in which the institution takes final action on the application.

Paragraph 4(a)(3) Purpose.

1. *Purpose—statement of applicant.* An institution may rely on the oral or written statement of an applicant regarding the proposed use of loan proceeds. For example, a lender could use a check-box, or a purpose line, on a loan application to determine whether or not the applicant intends to use loan proceeds for home improvement purposes.

2. *Purpose—multiple-purpose loan.* If a loan is a home purchase loan as well as a home improvement loan, or a refinancing, an institution reports the loan as a home purchase loan. If a loan is a home improvement loan as well as a refinancing, an institution reports the loan as a home improvement loan.

Paragraph 4(a)(6) Occupancy.

1. *Occupancy—multiple properties.* If a loan relates to multiple properties, the institution reports the owner occupancy status of the property for which property location is being reported. (See the comments to paragraph 4(a)(9), Property location.)

Paragraph 4(a)(7) Loan amount.

1. *Loan amount—counteroffer.* If an applicant accepts a counteroffer for an amount different from the amount initially requested, the institution reports the loan amount granted. If an applicant does not accept a counteroffer or fails to respond, the institution reports the loan amount initially requested.

2. *Loan amount—multiple-purpose loan.* Except in the case of a home-equity line of credit, an institution reports the entire amount of the loan, even if only a part of the proceeds is intended for home purchase or home improvement.

3. *Loan amount—home-equity line.* An institution that has chosen to report home-equity lines of credit reports only the part that is intended for home-improvement or home-purchase purposes.

4. *Loan amount—assumption.* An institution that enters into a written agreement accepting a new party as the obligor on a loan reports the amount of the outstanding principal on the assumption as the loan amount.

Paragraph 4(a)(8) Type of action taken and date.

1. *Action taken—counteroffers.* If an institution makes a counteroffer to lend on terms different from the applicant's initial request (for example, for a shorter loan maturity or in a different amount) and the applicant does not accept the counteroffer or fails to respond, the institution reports the action taken as a denial on the original terms requested by the applicant.

2. *Action taken—rescinded transactions.* If a borrower rescinds a transaction after closing, the institution may report the transaction either as an origination or as an application that was approved but not accepted.

3. *Action taken—purchased loans.* An institution reports the loans that it purchased during the calendar year, and does not report the loans that it declined to purchase.

4. *Action taken—conditional approvals.* If an institution issues a loan approval subject to the applicant's meeting underwriting conditions (other than customary loan commitment or loan-closing conditions, such as a clear-title requirement or an acceptable property survey) and the applicant does not meet them, the institution reports the action taken as a denial.

5. *Action taken date—approved but not accepted.* For a loan approved by an institution but not accepted by the applicant, the institution reports any reasonable date, such as the approval date, the deadline for accepting the offer, or the date the file was closed. Although an institution need not choose the same approach for its entire HMDA submission, it should be generally consistent (such as by routinely using one approach within a particular division of the institution or for a category of loans).

6. *Action taken date—originations.* For loan originations, an institution generally reports the settlement or closing date. For loan originations that an institution acquires through a broker, the institution reports either the settlement or closing date, or the date the institution acquired the loan from the broker. If the disbursement of funds takes place on a date later than the settlement or closing date, the institution may use the date of disbursement. For a construction/permanent loan, the institution reports either the settlement or closing date, or the date the loan converts to the permanent financing. Although an institution need not choose the same approach for its entire HMDA submission, it should be generally consistent (such as by routinely using one approach within a particular division of the institution or for a category of loans). Notwithstanding this flexibility regarding the use of the closing date in connection with reporting the date action was taken, the year in which an origination goes to closing is the year in which the institution must report the origination.

7. *Action taken—pending applications.* An institution does not report any loan application still pending at the end of the calendar year; it reports that application on its register for the year in which final action is taken.

Paragraph 4(a)(9) Property location.

1. *Property location—multiple properties (home improvement/refinance of home improvement).* For a home improvement loan, an institution reports the property being improved. If more than one property is being improved, the institution reports the location of one of the properties or reports the loan using multiple entries on its HMDA/LAR (with unique identifiers) and allocating the loan amount among the properties.

2. *Property location—multiple properties (home purchase/refinance of home purchase).* For a home purchase loan, an institution reports the property taken as security. If an institution takes more than one property as security, the institution reports the location of the property being purchased if there is just one. If the loan is to purchase multiple properties and is secured by multiple properties, the institution reports the location of one of the properties or reports the loan using multiple entries on its HMDA/LAR (with unique identifiers) and allocating the loan amount among the properties.

3. *Property location—loans purchased from another institution.* The requirement to

report the property location by census tract in a metropolitan area where the institution has a home or branch office applies not only to loan applications and originations but also to loans purchased from another institution. This includes loans purchased from an institution that did not have a home or branch office in that metropolitan area and did not collect the property-location information.

4. *Property location—mobile or manufactured home.* If information about the potential site of a mobile or manufactured home is not available, an institution reports using the code for ''not applicable.''

Paragraph 4(a)(10) Applicant and income data.

1. *Applicant data—completion by applicant.* An institution reports the monitoring information as provided by the applicant. For example, if an applicant checks the ''Asian'' box the institution reports using the ''Asian'' code.

2. *Applicant data—completion by lender.* If an applicant fails to provide the requested information for an application taken in person, the institution reports the data on the basis of visual observation or surname.

3. *Applicant data—application completed in person.* When an applicant meets in person with a lender to complete an application that was begun by mail, Internet, or telephone, the institution must request the monitoring information. If the meeting occurs after the application process is complete, for example, at closing, the institution is not required to obtain monitoring information.

4. *Applicant data—joint applicant.* A joint applicant may enter the government monitoring information on behalf of an absent joint applicant. If the information is not provided, the institution reports using the code for ''information not provided by applicant in mail, Internet, or telephone application.''

5. *Applicant data—video and other electronic-application processes.* An institution that accepts applications through electronic media with a video component treats the applications as taken in person and collects the information about the ethnicity, race, and sex of applicants. An institution that accepts applications through electronic media without a video component (for example, the Internet or facsimile) treats the applications as accepted by mail.

6. *Income data—income relied on.* An institution reports the gross annual income relied on in evaluating the creditworthiness of applicants. For example, if an institution relies on an applicant's salary to compute a debt-to-income ratio but also relies on the applicant's annual bonus to evaluate creditworthiness, the institution reports the salary and the bonus to the extent relied upon. Similarly, if an institution relies on the income of a cosigner to evaluate creditworthiness, the institution includes this income to the extent relied upon. But an institution does not include the income of a guarantor who is only secondarily liable.

7. *Income data—co-applicant.* If two persons jointly apply for a loan and both list income on the application, but the institution relies only on the income of one applicant in computing ratios and in evaluating creditworthiness, the institution reports only the income relied on.

8. *Income data—loan to employee.* An institution may report ''NA'' in the income field for loans to its employees to protect their privacy, even though the institution relied on their income in making its credit decisions.

Paragraph 4(a)(11) Purchaser.

1. *Type of purchaser—loan-participation interests sold to more than one entity.* An institution that originates a loan, and then sells it to more than one entity, reports the ''type of purchaser'' based on the entity purchasing the greatest interest, if any. If an institution retains a majority interest, it does not report the sale.

2. *Type of purchaser—swapped loans.* Loans ''swapped'' for mortgage-backed securities are to be treated as sales; the purchaser is the type of entity receiving the loans that are swapped.

Paragraph 4(a)(12) Rate spread information.

1. *Treasury securities.* To determine the yield on a Treasury security for the pricing information, lenders may use the Board's ''Selected Interest Rates'' (statistical release H–15) or the actual auction results. Treasury auctions are held at different intervals for the different types of securities. These figures are published by major financial and metropolitan newspapers and are also available from Federal Reserve Banks. Lenders must use the yield on the security that has the nearest maturity at issuance to the loan's maturity. For example, if a lender must compare the annual percentage rate to Treasury securities with either 7-year or 10-year maturities, the annual percentage rate for a 9-year loan is compared with securities that have a 10-year maturity. If the loan maturity is exactly halfway between, the annual percentage rate is compared with the Treasury security that has the lower yield. For example, if the loan has a maturity of 20 years and comparable securities have maturities of 10 years with a yield of 6.501 percent and 30 years with a yield of 6.906 percent, the annual percentage rate is compared with the yield of 6.501 percent, the lower of the two yields.

Paragraph 4(c)(3) Optional data—home-equity lines of credit.

1. An institution that opts to report home-equity lines reports the disposition of all applications, not just originations.

Paragraph 4(d) Excluded data.

1. *Mergers, purchases in bulk, and branch acquisitions.* If a covered institution acquires loans in bulk from another institution (for example, from the receiver for a failed institution) but no merger or acquisition of the institution, or acquisition of a branch, is involved, the institution reports the loans as purchased loans.

Section 203.5(a)—Disclosure and Reporting

Paragraph 5(a) Reporting to agency.

1. *Submission of data.* Institutions submit data to their supervisory agencies in an automated, machine-readable form. The format must conform to that of the HMDA/LAR. An institution should contact its federal supervisory agency for information regarding procedures and technical specifications for automated data submission; in some cases, agencies also make software available for automated data submission. The data are edited before submission, using the edits included in the agency-supplied software or equivalent edits in software available from vendors or developed in-house.

2. *Submission in paper form.* Institutions that report twenty-five or fewer entries on their HMDA/LAR may collect and report the data in paper form. An institution that submits its register in nonautomated form sends two copies that are typed or computer printed and must use the format of the HMDA/LAR (but need not use the form itself). Each page must be numbered along with the total number of pages (for example, ''Page 1 of 3'').

3. *Procedures for entering data.* The required data are entered in the register for each loan origination, each application acted on, and each loan purchased during the calendar year. The institution should decide on the procedure it wants to follow—for example, whether to begin entering the required data, when an application is received, or to wait until final action is taken (such as when a loan goes to closing or an application is denied).

4. *Options for collection.* An institution may collect data on separate registers at different branches, or on separate registers for different loan types (such as for home purchase or home improvement loans, or for loans on multifamily dwellings). Entries need not be grouped on the register by metropolitan area, or chronologically, or by census tract numbers, or in any other particular order.

5. *Change in supervisory agency.* If the supervisory agency for a covered institution changes (as a consequence of a merger or a change in the institution's charter, for example), the institution must report data to its new supervisory agency beginning with the year of the change.

6. *Subsidiaries.* An institution is a subsidiary of a bank or savings association (for purposes of reporting HMDA data to the parent's supervisory agency) if the bank or savings association holds or controls an ownership interest that is greater than 50 percent of the institution.

7. *Transmittal sheet—additional data submissions.* If an additional data submission becomes necessary (for example, because the institution discovers that data were omitted from the initial submission, or because revisions are called for, that submission must be accompanied by a transmittal sheet.

8. *Transmittal sheet—revisions or deletions.* If a data submission involves revisions or deletions of previously submitted data, it must state the total of all line entries contained in that submission, including both those representing revisions or deletions of previously submitted entries, and those that are being resubmitted unchanged or are being submitted for the first time. Depository institutions must provide a list of the metropolitan areas in which they have home or branch offices.

Paragraph 5(b) Public disclosure of statement.

1. *Business day.* For purposes of § 203.5, a business day is any calendar day other than a Saturday, Sunday, or legal public holiday.

2. *Format.* An institution may make the disclosure statement available in paper form or, if the person requesting the data agrees, in automated form (such as by PC diskette or CD Rom).

Paragraph 5(c) Public disclosure of modified loan/application register.

1. *Format.* An institution may make the modified register available in paper or automated form (such as by PC diskette or computer tape). Although institutions are not required to make the modified register available in census tract order, they are strongly encouraged to do so in order to enhance its utility to users.

Paragraph 5(e) Notice of availability.

1. *Poster—suggested text.* An institution may use any text that meets the requirements of the regulation. Some of the federal financial regulatory agencies and HUD provide HMDA posters that an institution can use to inform the public of the availability of its HMDA data, or the institution may create its own posters. If an institution prints its own, the following language is suggested but is not required:

Home Mortgage Disclosure Act Notice

The HMDA data about our residential mortgage lending are available for review. The data show geographic distribution of loans and applications; ethnicity, race, sex, and income of applicants and borrowers; and information about loan approvals and denials. Inquire at this office regarding the locations where HMDA data may be inspected.

2. *Additional language for institutions making the disclosure statement available on request.* An institution that posts a notice informing the public of the address to which a request should be sent could include the following sentence, for example, in its general notice: ''To receive a copy of these data send a written request to [address].''

Section 203.6—Enforcement

Paragraph 6(b) Bona fide errors.

1. *Bona fide error—information from third parties.* An institution that obtains the property-location information for applications and loans from third parties (such as appraisers or vendors of ''geocoding'' services) is responsible for ensuring that the information reported on its HMDA/LAR is correct.

By order of the Board of Governors of the Federal Reserve System, February 5, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02–3323 Filed 2–14–02; 8:45 am]

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Federal Register

Friday,
February 15, 2002

Part II

Federal Reserve System

12 CFR Part 203

Home Mortgage Disclosure; Final and Proposed Rule

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R–1001]

Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; staff interpretation.

SUMMARY: The Board is amending Regulation C (Home Mortgage Disclosure) and the commentary interpreting the regulation. The Board's amendments to Regulation C expand the coverage of nondepository lenders by adding a $25 million dollar volume test to the existing percentage-based coverage test. The amendments require lenders to report data items related to loan pricing; for loan originations in which the annual percentage rate (APR) exceeds the yield for comparable Treasury securities by a specified amount or threshold, the lender will report the spread or difference between the APR and the Treasury yield. The Board has tentatively set the thresholds at 3 percentage points for first lien loans, and 5 percentage points for second lien loans, but is seeking comment on these thresholds in a separate proposed rule published in today's **Federal Register**. Lenders also must report whether a loan is covered by the Home Ownership and Equity Protection Act (HOEPA). The final rule also requires lenders to report whether an application or loan involves a manufactured home.

The Board is revising certain definitions in the regulation. The definition of an application is revised to include a request for preapproval as defined in the regulation, for purposes of reporting denials of such requests. To promote consistency in the reported data, the definition of a refinancing, and the definition of a home improvement loan are revised. In addition, the amendments conform the collection of data on race and ethnicity to standards established by the U.S. Office of Management and Budget in 1997. The Board also has reorganized the regulation and made other technical changes.

DATES: This rule is effective on January 1, 2003. Compliance is mandatory for collection of data that begins on January 1, 2003, which is to be submitted to supervisory agencies no later than March 1, 2004.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Counsel, Kathleen C. Ryan, Senior Attorney, or Dan S. Sokolov, Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–3667 or (202) 452–2412. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background on HMDA and Regulation C

The Home Mortgage Disclosure Act (HMDA; 12 U.S.C. 2801–10) has three purposes. One is to provide the public and government officials with data that will help show whether lenders are serving the housing needs of the neighborhoods and communities in which they are located. A second purpose is to help public officials target public investment to promote private investment where it is needed. A third purpose is to provide data that assist in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes.

HMDA accordingly requires certain depository and for-profit nondepository lenders to collect, report, and disclose data about originations, purchases, and refinancings of home purchase and home improvement loans. Lenders must also report data about applications (including certain preapproval requests) that did not result in originations.

The Board's Regulation C implements HMDA. Regulation C generally requires that lenders report data about:

- *Each application or loan,* including the application date; the action taken and the date of that action; the loan amount; the loan type and purpose; and, if the loan is sold, the type of purchaser;
- *Each applicant or borrower,* including ethnicity, race, sex, and income; and
- *Each property,* including location and occupancy status.

Lenders report this information to their supervisory agencies on an application-by-application basis using a loan application register format (HMDA/LAR). Lenders must make their HMDA/LARs—with certain fields redacted to preserve applicants' privacy—available to the public. The Federal Financial Institutions Examination Council (FFIEC), acting on behalf of the supervisory agencies, compiles the reported information and prepares an individual disclosure statement for each institution, aggregate reports for all covered lenders in each metropolitan area, and other reports. These disclosure statements and reports are available to the public.

The Board began the current review of Regulation C in March 1998 by publishing an Advance Notice of Proposed Rulemaking (Advance Notice; 63 FR 12329 (March 12, 1998)). The Advance Notice solicited comment on several specific issues, as well as generally on potential revisions to Regulation C. The specific issues related to the reporting of preapprovals; revising the definitions of reportable refinancings and home improvement loans; coverage of purchased loans, construction loans, and manufactured home loans; and reporting the reasons for a credit denial. The Board received approximately 100 comment letters. Most commenters addressed only the issues identified in the Advance Notice; others raised additional issues.

Subsequently, the Board received further suggestions for revising Regulation C, many reflecting increased public and agency concern about predatory lending. For example, the Department of Housing and Urban Development and the Department of the Treasury held hearings on predatory lending and in June 2000 issued a report, *Curbing Predatory Home Mortgage Lending,* that included recommended changes. The Board received other suggestions at public hearings that the Board held on possible changes to the Home Ownership and Equity Protection Act (HOEPA) during the summer of 2000.

In December 2000, the Board published for public comment a proposal to amend Regulation C. 65 FR 78656 (Dec. 15, 2000). The proposed amendments: (1) Extended coverage of HMDA to more nondepository lenders; (2) simplified the definitions of reportable refinancing and home improvement loans; (3) required reporting of requests for preapprovals as defined in the regulation; (4) required reporting of home-equity lines of credit; and (5) required reporting on additional items of data, including the annual percentage rate (APR), whether a loan is subject to HOEPA, and whether a loan or application involves a manufactured home.

The Board received almost 300 comments. Most of the commenters—including lenders and related trade associations, community and civil rights groups, and law enforcement agencies—supported expanding the coverage of nondepository lenders. They believed that coverage of these lenders would provide more complete information about the mortgage market and would also result in a more level playing field for depository lenders.

Commenters were divided on all other aspects of the proposal. Many lenders and other industry commenters supported simplification of existing loan categories. Many of these commenters, however, did not want to

report additional loans and applications because of concerns about burden. Most lenders were opposed to reporting pricing and other new data items because of concerns about burden and about the potential public misinterpretation of the resulting data. Community groups, civil rights groups, and law enforcement agencies generally supported the revised definitions of reportable loans and applications and the new data items, to assist in enforcement of fair lending laws and to provide better and more consistent information about the mortgage market.

II. Summary of the Final Rule

Based on the comments and its own further analysis, the Board is amending Regulation C as set forth below. For each of the amendments to the regulation, the Board weighed the potential benefit and burden that would result. The Board also considered each proposed change in light of the aggregate benefit and burden of all of the proposed changes. The final rule is substantially similar to the proposal, with some revisions to reduce burden and improve the quality of the data.

Coverage of nondepository lenders is expanded by adding a dollar volume threshold of $25 million to the current loan-percentage test, to ensure that nondepository lenders in the business of mortgage lending are covered as required by the statute.

The definitions of reportable loans have been revised to ensure better and more useful data. The final rule revises the definition of a reportable refinancing to cover transactions in which a new obligation satisfies and replaces an existing obligation, where both the existing and the new loan are secured by a lien on a dwelling. The final rule amends the definition of a home improvement loan to cover dwelling-secured loans that are made in whole or in part for home improvement purposes. For home improvement loans not secured by a dwelling, the rule is unchanged: these loans are reported only if they are for home improvement purposes and the lender classifies them as home improvement loans. The current rule also remains unchanged for home-equity lines of credit: lenders report HELOCs at their option, and report only the amount of the line intended for home improvement or home purchase purposes.

The final rule adopts the proposal to revise the term ''application'' to include preapprovals in which a lender issues a written commitment to lend to creditworthy borrowers up to a specific amount and for a specific time, subject to limited conditions such as locating a suitable property. Lenders are required to report denials of preapprovals as defined in the final rule, as well as preapprovals that result in a loan origination (these are already reported but are not currently distinguished from other applications). A lender may but is not required to report preapproval requests that are approved but not accepted by the applicant.

Additional data items are required under the final revisions to Regulation C to improve understanding of the mortgage market, including the subprime market, and assist in enforcing fair lending laws. The additional items are:

- For originated loans where the APR exceeds the yield on Treasury securities with comparable maturity periods by a specified amount, the rate spread or difference between the APR on the loan and the Treasury yield;
- Whether a loan is subject to the Home Ownership and Equity Protection Act; and
- Whether a loan or application involves a manufactured home.

The Board is adopting the proposed changes to the rules for collecting and reporting information on ethnicity and race of applicants, to conform to guidance issued in 1997 by the Office of Management and Budget (''OMB''). The Board is separately soliciting comment on whether to revise the rule on collecting information about the applicant's ethnicity, race, and sex for applications taken entirely by telephone; under the proposal published in today's **Federal Register**, a lender would be required to ask for the monitoring information in telephone applications, consistent with the existing rule for mail and Internet applications.

In the December 2000 proposal, the Board solicited comment on an alternative system for categorizing loans, under which the categories reported would be (1) home purchase loans (subdivided into first and junior liens), (2) other mortgage loans (similarly subdivided), (3) home-equity lines of credit, and (4) unsecured home improvement loans.

Some commenters supported the alternative system. Many commenters, including financial institutions and community groups, were opposed. Industry commenters argued that the burden of reprogramming and retraining staff would be very large, and that historical trend analyses of HMDA data would be adversely affected because new data would be inconsistent with data from earlier years. Some commenters believed that the alternative system would reduce the utility of the data, since data on secured home improvement loans and refinancings would be indistinguishable from other loans. A number of commenters advocated other alternatives in which categories of loans would be further broken down into various subcategories.

Based on the comments and its own analysis, the Board has decided not to adopt the proposed alternative system.

III. Section-by-Section Analysis of Final Rule

The following discussion generally tracks the regulation (including appendices) as amended by the Board. Revisions to the staff commentary are addressed under the sections of the regulation that they interpret. Rules or interpretations that the Board has not revised are also discussed under the pertinent sections. Conforming and non-substantive changes to the regulation and commentary generally are not discussed.

Section 203.2 Definitions

2(b) Application

Requests for preapproval. The Board proposed to cover certain requests for preapprovals of home purchase loans. The definition proposed covered those preapproval programs in which a creditor issues a creditworthy applicant a written commitment to extend credit that specifies the maximum amount of credit that it commits to extend and the period of time during which the commitment remains valid. The commitment letter may state limited conditions, such as identification of a property or verification of no material change in the borrower's creditworthiness. This definition does not cover prequalification programs, in which the underwriting is less rigorous and the lender makes no binding written commitment.

Commenters were divided on whether lenders should be required to report preapproval requests. Many commenters, including community and civil rights groups, federal law enforcement agencies, and a few lenders, urged the Board to adopt the proposed rule. Collecting data on preapproval requests, they stated, would better reflect market activity in the home purchase market, consistent with HMDA's purposes. Preapproval data would also facilitate enforcement of antidiscrimination laws.

Many other commenters, primarily financial institutions and their trade associations, were opposed to covering preapproval requests under Regulation C. These commenters generally believe

that the burden of collecting preapproval data would outweigh the utility of the data. Commenters stated, for example, that the number of transactions reported would greatly increase, staff would have to be trained, and software and collection procedures would have to be changed. Commenters also stated that the data would not serve the purposes of HMDA—to provide information on whether lenders were meeting the housing needs of their communities—as property location would be available only for those preapproval requests that later resulted in originations.

The statute requires lenders to report action taken on applications, and the Board believes that requests for preapproval as defined in the proposal and final rule represent credit applications.[1] The final rule provides that lenders must report preapproval requests that are denied under defined programs, and that lenders may, at their option, report preapproval requests that are approved but not accepted by the applicant. Under the final rule, lenders will continue to report preapprovals that are approved and that result in loan originations; lenders will distinguish such loan originations from other loans by the use of separate codes.

The preapproval programs covered by the final rule involve decisions based on a comprehensive credit underwriting in which a lender collects and reviews the information it typically collects and reviews in making a credit decision on a traditional application. For a preapproval program to be covered, the lender must issue a binding written commitment for approved applicants or deny the request and issue an adverse action notice under Regulation B, based on the lender's review of the applicant's credit record.

The final rule also provides that a covered preapproval may be subject only to a limited set of conditions. These are identification of a property; verification that the applicant's financial situation has not changed since the request was approved; and other conditions unrelated to creditworthiness that are typically included in traditional loan commitments (such as satisfactory completion of a home inspection or proof of a termite inspection). A staff comment provides guidance on these limited conditions.

Data on denials of preapproval requests will provide more complete data on the availability of home financing, and will be useful in fair lending enforcement. As with traditional applications, these preapproval data will allow comparisons of minority and non-minority populations that will serve as useful screening devices to help identify underwriting processes and practices that may warrant scrutiny. While geographic information will not be available for preapprovals that do not lead to originations, the data will nevertheless be useful for fair lending analyses; preapproval programs are, by definition, not about geographic issues but about the financial strength and creditworthiness of the applicants.

The final rule requires lenders to report denials of preapproval requests, and to designate those loan originations (which are already reported) that were initiated under a covered preapproval program. Lenders may also, however, wish to report preapproval requests that are approved but not accepted by the applicant, in order to put into context the preapproval requests that are denied. Accordingly, the revised rule permits, but does not require, lenders to report preapproval requests that fall into this category.

Under the final rule, lenders will not report preapproval requests that are withdrawn or incomplete. The Board believes that the proportion of preapproval requests that are withdrawn or closed for incompleteness is likely to be relatively small; for traditional mortgage applications, the HMDA data show that in 2000 approximately 7 percent were withdrawn by the applicant and 2 percent were closed by the institution for incompleteness. Thus, the Board believes that any benefit from these data does not warrant the burden of reporting the information.

The Board asked for comment on the relative benefit of a code to identify preapprovals. Nearly all commenters, including those opposed to coverage of preapprovals, stated that the data on preapprovals would be of little use unless lenders differentiate requests for preapproval from other applications. Commenters believed that without a code for preapprovals, denial rates would be artificially inflated. Commenters mistakenly believed that lenders would have to report as denials all of the preapproval requests the lender approved that do not lead to loans with the lender. (Such requests would not be reported as denials under the final rule.) Still other commenters were concerned that without a separate code, double counting would occur where a lender approves a preapproval request and subsequently originates the loan. Based on comments and on further analysis, the final rule requires lenders to distinguish preapproval requests from other applications in their data reporting.

Other matters. The definition of an application has been revised to refer to ''procedures used by a financial institution.'' This focuses the definition on what institutions actually do, rather than what their procedures state.

2(d) Dwelling

The staff commentary has been revised to indicate that the term ''dwelling'' does not apply to transitory residences such as college dormitories. This responds to requests that the Board clarify the meaning of the term ''dwelling.''

2(e) Financial Institution

HMDA covers nondepository lenders that are ''engaged for profit in the business of mortgage lending.'' 12 U.S.C. 2802. Regulation C provides that a nondepository mortgage lender is covered if in the preceding year its home purchase loan originations, including refinancings of home purchase loans, equaled or exceeded 10 percent of all its loan originations (by dollar volume).[2] Some nondepository lenders originate significant numbers of reportable loans, but because these lenders are also heavily engaged in other types of lending (credit card lending and other consumer lending, for instance) they are not currently covered by HMDA. Coverage of these lenders' mortgage activity could provide more complete information on the mortgage market.

The Board proposed to address the coverage issue by preserving the existing percentage-based test and adding a dollar-volume test. A nondepository lender would be covered by Regulation C if its prior-year home purchase loan originations, including

[1] Preapprovals and prequalifications emerged in the mortgage market in the early 1990s. In 1995, the Board revised the staff commentary to Regulation C to provide that prequalifications are not applications under Regulation C. 60 FR 63393 (Dec. 11, 1995). The Board deferred action on preapprovals, however, and instructed lenders not to report them under Regulation C because there was no common industry definition of a preapproval as distinct from a prequalification. The Board stated, however, that it might consider amending Regulation C at a later time to address whether lenders should report preapprovals.

[2] In addition, a nondepository lender is exempt from Regulation C if its total assets, combined with those of any parent corporation, were $10 million or less on the preceding December 31, and if the institution originated fewer than 100 home purchase loans (again, including refinancings of home purchase loans) in the preceding calendar year. There is also a location test, under which a nondepository lender is exempt if on the preceding December 31 it had no office in a metropolitan area, and received applications for, originated, or purchased fewer than five home purchase or home improvement loans in a metropolitan area in the preceding calendar year.

refinancings of home purchase loans, equaled or exceeded $50 million even if they did not equal or exceed 10 percent of total originations. The Board estimated that a $50 million threshold would result in coverage of a nondepository institution making approximately 400 to 500 mortgage loans annually (based on a national average of $125,000 for home purchase loans). Comment was solicited on whether $50 million was an appropriate threshold.

Commenters, including industry, community groups, and law enforcement agencies, supported expanding coverage of nondepository lenders. Many depository lenders asserted that greater coverage of nondepository lenders would create a more level playing field for all lenders. Commenters also stated that expanded coverage of nondepositories could provide the agencies and the public with more information about the subprime market.

Different views were expressed, however, on the best approach for expanding coverage of nondepository lenders. Many commenters supported a dollar-volume threshold, but argued that the proposed $50 million threshold was too high. Some industry commenters suggested lowering the dollar-volume threshold to as low as $5 million. Other commenters urged the Board to drop the proposed dollar-volume threshold and to adopt instead a number-of-loans test to address markets where the average loan amount is smaller than the national average. Some commenters pointed out that in some regions of the country, the average home purchase loan amount is less than the national average of $125,000. For example, HMDA data and data provided by the National Association of Realtors indicate that the average home purchase loan amount in the South is approximately $93,000.

Still other commenters, including some community groups and federal agencies, suggested eliminating the 10 percent test. These commenters asserted that a lender's impact on a local or broader home mortgage market is a better measure of whether the lender is in the business of mortgage lending than the relationship between the lender's home mortgage lending and its total loan originations.

The Board is adopting a dollar-volume threshold of $25 million. Based on the national average home purchase loan amount, a dollar-volume threshold of $25 million would result in coverage of a nondepository institution that originates approximately 200 home purchase loans annually. HMDA data show that, on average, a lender with 200 loan originations per year receives approximately 400 applications annually. The Board believes that a lender receiving this volume of home purchase loan applications per year is engaged ''in the business of mortgage lending.''

Other matters. As part of the reorganization of the regulation, coverage criteria that used to appear in section 203.3—''Exempt Institutions'' are consolidated under the definition of ''financial institution'' in section 203.2(e). Correspondingly, several comments have been moved from section 203.3 to section 203.2(e) of the staff commentary.

2(f) Home-Equity Line of Credit

The current regulation *permits,* but does not *require,* reporting of home-equity lines of credit (HELOCs), as home improvement or home purchase loans, depending on the purpose of the credit line. If a lender opts to report HELOCs, it reports only the amount of the line intended for home improvement or home purchase purposes at the time of the application.

The Board proposed to require lenders to report all HELOCs, regardless of the purpose of the credit line. The proposal was based on research showing that about 70 percent of all HELOCs are used at least in part for home improvement purposes. The Board proposed creating a separate category for HELOCs to facilitate comparisons between the markets for home-secured lines of credit and closed-end home improvement loans, which have distinct demographic characteristics. To simplify reporting of HELOCs, the Board proposed to require lenders to report the full amount of the credit line, rather than the amount intended to be used for home improvement (or home purchase) purposes.

A number of commenters, including some lenders, supported the proposal to mandate the reporting of HELOCs as a separate loan category. Many others were opposed, however, contending that the change would result in a very large increase in the volume of loans reported under HMDA. In response to the proposal's request that commenters rank the proposed changes in order of burden and benefit, some industry commenters ranked reporting all HELOCs as one of the most costly and least beneficial changes. Many commenters also stated that most HELOCs are *not* used for home improvement, but for purposes (such as college tuition and debt consolidation) that are unrelated to HMDA's purposes.

The Board has retained the current rule regarding HELOCs. Reporting of HELOCs remains optional. See section 203.4(c)(3). Collecting data on all HELOCs for home improvement and home purchase purposes would give a more complete picture of the home mortgage market, but it would result in increased burden. The Board believes that the benefit of collecting information on all HELOCs, when ranked with other changes presented in the final rule, such as the pricing information, does not support the increased reporting burden.

Lenders that report HELOCs will continue to report only that part of the line that is intended for home purchase or home improvement purposes. Some commenters—including those who opposed the proposal to require reporting of HELOCs—supported reporting the entire amount of the line because it would reduce burden. Other commenters noted that many HELOCs are never drawn upon. The Board believes that reporting the entire amount of the line could overstate the amount of home improvement and home purchase lending.

Other matters. The Board is adopting the proposal to clarify the term ''home-equity line of credit'' as an open-end credit plan secured by a dwelling as defined in Regulation Z (12 CFR part 226).

2(g) Home Improvement Loan

The current rule defines a home improvement loan as a loan made in whole or in part for home improvement purposes, and classified by the lender as a home improvement loan. Thus, a lender may avoid reporting loans made for home improvement purposes by not classifying them as home improvement loans. Although the classification test for home improvement loans has reduced burden on the industry, the resulting data have been of limited usefulness. A loan is reported as a home improvement loan only if a lender classifies it as such. Lenders' classification schemes can vary greatly. The same type of loan might be classified as a home improvement loan by one lender but not by another.

To address these issues, the Board proposed to change the treatment of home improvement loans by dropping the classification test. Under the proposal, any loan made in whole or in part for home improvement purposes would be reported as a home improvement loan, regardless of how the institution classified the loan.

The Board is adopting the proposal with modifications. The final rule differentiates between secured and unsecured home improvement loans as follows: (1) The classification test is eliminated for dwelling-secured loans,

but (2) the classification test is retained for home improvement loans not secured by a dwelling.

Dwelling-Secured Home Improvement Loans. Commenters expressed concern about the burden that would be imposed on lenders if they have to ascertain the purpose of every credit product they offer, including credit cards. The Board believes that, for dwelling-secured loans, it should not be unduly burdensome for lenders to ascertain the intended purpose of the loan proceeds because of the level of documentation and of interaction between lender and applicant in such loan applications.

In determining whether loan proceeds are intended for home improvement purposes, lenders may rely on applicants' statements, and are not required to take other steps to determine loan purpose. One method suggested in the proposal for lenders to determine whether a loan is intended for home improvement purposes was a check-box on a loan application form. Some commenters were concerned that if application forms contain check-boxes with a number of choices including home improvement, applicants may tend to check home improvement even if they are not sure they will use the loan for that purpose. The final rule does not require a lender to use a check box; instead, for example, an application form might contain a blank in which the applicant could enter the purpose of the loan, without any prompting or limiting of choices.

Non-Dwelling-Secured Home Improvement Loans. The final rule retains the classification test for home improvement loans not secured by a dwelling, so that reporting of such loans and applications will continue to hinge on lenders' own classification systems. Retention of the classification test will mitigate substantially the burden that commenters were concerned about. Lenders would not have to report an unsecured loan as a home improvement loan for HMDA purposes if the institution classifies it otherwise.

Other matters. The Board believes the data on home improvement lending will be more useful by the reporting of lien status, as the revised definition of a home improvement loan turns on whether the loan is dwelling-secured. Thus the Board is separately seeking additional public comment on whether lenders should be required to report lien status, in a notice published in this issue of the **Federal Register**.

2(h) Home Purchase Loan

The Board proposed to clarify, in an addition to the staff commentary, that if an institution making a first mortgage loan also makes a second mortgage loan that finances part or all of the borrower's downpayment, the institution reports each loan separately as a home purchase loan. A few comments were received on this issue. One financial trade association asserted that the two loans should be reported as one to reduce burden on institutions; another commenter supported the proposal but believed the number of home purchase loans would be overstated unless the Board required institutions to differentiate these second mortgages from others. The final rule is identical to the proposal. The Board believes that reporting these two loans separately more accurately reflects a lender's home purchase lending, as both loans are made for the purpose of home purchase.

2(i) Manufactured Home

The Board is adopting the proposed definition of ''manufactured home.'' See the discussion under section 203.4(a)(5) regarding property type.

2(j) Metropolitan Area

The Board amends the regulation, as proposed, to replace the term ''metropolitan statistical area'' with ''metropolitan area,'' the term now used by the Office of Management and Budget (OMB). ''Metropolitan area'' will have the same meaning as ''metropolitan statistical area'' does currently. In December 2000, OMB adopted revised standards for defining metropolitan and micropolitan statistical areas; the new standards replace the 1990 standards for defining metropolitan areas. (65 FR 82228 (December 27, 2000)). OMB has stated that it plans to announce definitions of areas based on the new standards and Census 2000 data in 2003.

2(k) Refinancing

Regulation C requires a lender to report refinancings of home purchase and home improvement loans. A refinancing is defined as a transaction in which a new obligation satisfies and replaces an existing obligation by the same borrower. Currently, the regulation allows lenders to select from among four scenarios in deciding which refinancings to report:

(1) The existing obligation was a home purchase or home improvement loan, as determined by the lender (for example, by reference to available documents);

(2) The applicant states that the existing obligation was a home purchase or home improvement loan;

(3) The existing obligation was secured by a lien on a dwelling; or

(4) The new obligation will be secured by a lien on a dwelling.

This rule was adopted to ease compliance burden by providing flexibility, but it generates inconsistent data among HMDA reporters to the extent that different lenders choose different scenarios to determine which refinancings to report. Consequently, it is impossible for the data user to know what the data represent.

To remove this inconsistency, the Board proposed to define a refinancing as a transaction in which a new obligation satisfies and replaces an existing obligation by the same borrower, where both the existing and the new obligation are secured by a lien on a dwelling. The proposed definition would reduce the inconsistency of refinancing data, because all lenders would report using a single two-pronged test.

The Board also solicited comment on an alternative definition. Under the alternative, a refinancing would be defined as a transaction in which a new obligation satisfies and replaces an existing obligation by the same borrower and the new obligation is secured by a lien on a dwelling. This definition would capture not only refinancings where the old obligation was dwelling-secured, but, in addition, refinancings of unsecured debt in which the new obligation is dwelling-secured. Under this formulation, for example, a lender that pays off a consumer's existing unsecured loan by extending a new, dwelling-secured loan to that consumer would report the new loan.

Some commenters opposed any revision in the definition of refinancing, on the grounds that it would reduce flexibility for the industry. Other commenters argued that the proposed definition would impose burden on industry, in that a lender may not know the lien status of the existing obligation, particularly at the time of application. These commenters favored the alternative definition. More commenters supported the proposed definition (both the existing and new loan secured by a lien on a dwelling), acknowledging that the flexibility in the current definition results in inconsistent data.

The Board is revising the definition of refinancing as proposed; under the final rule, reportable refinancings are those in which both the existing and the new loan are secured by a lien on a dwelling. (Lenders may rely on a borrower's statement about whether the loan being refinanced is dwelling-secured.) This definition will avoid covering refinancings of unsecured debt, which could result in a substantial increase in the volume of loans reported, and thus

in the reporting burden. It also will reduce the inconsistency of the data.

MECAs. The Board did not propose any change regarding the status of modification, extension, and consolidation agreements (MECAs). MECAs are not reported because they do not meet the definition of a refinancing (satisfaction and replacement of an existing mortgage loan). A few commenters asserted, however, that MECAs should be reported because they substitute for traditional refinancings in some states, such as New York and Texas, to avoid mortgage recording fees and taxes.

The final rule does not include MECAs as reportable under HMDA. The existing definition of a refinancing establishes a bright-line test for reportable transactions. The Board believes that MECA data may be useful in certain instances, but that, under the existing loan classification scheme, the advantages of a bright-line test for determining whether a transaction should be reported—especially in reducing compliance burden—outweigh the benefits of additional data on these transactions. Therefore, the Board has not revised the definition of refinancing to include MECAs.

Section 203.4—Compilation of Loan Data

4(a) Data Format and Itemization

The Board had proposed to revise the introductory material in section 203.4(a) to refer to home-equity lines of credit as a distinct category. The final rule does not include this revision because, as discussed below, the Board did not adopt the proposal to require reporting of home-equity lines of credit.

4(a)(1) Application Date

The Board is not adopting proposed comment 4(a)(1)–5, which was intended to clarify when an application is received. The proposed comment provided that the date an institution receives an application is the date on which the institution or its agent first takes possession of a completed copy of the application. Several financial institutions expressed concern, however, that the comment could create confusion. They believed that the comment suggested that ''completed application'' has a different meaning under Regulation C than under Regulation B. Commenters also opposed the reference to the creditor's ''agent,'' noting that the law of agency varies from state to state and thus the data could be inconsistent.

4(a)(3) Purpose

The Board has reorganized the loan application register to clarify the data categories, by separating the purpose of the loan from the type of property involved.

4(a)(4) Preapprovals

The loan application register has been revised to provide for the reporting of certain preapproval requests. See the discussion under section 203.2(b) ''application.''

4(a)(5) Property Type—Manufactured Housing Status

The Board proposed to require lenders to identify loans involving manufactured housing, which are underwritten differently from other types of housing loans and tend to have higher denial rates. Commenters were divided on this issue. Many commenters—including community and civil rights groups and the federal agencies charged with enforcing the fair lending laws—favored distinguishing loans and applications for manufactured homes from other transactions. They believed that doing so would improve the public's ability to understand the home mortgage market and would make HMDA data more useful for fair lending purposes.

Many other commenters, including most lenders and their trade associations, were opposed to identifying manufactured home loans. These commenters said that the additional data would be of limited value because there have been no reports of abusive behavior in the manufactured home loan market. They believe that requiring lenders to identify manufactured home loans would not be worth the burden the requirement would entail.

Some commenters stated that lenders do not always know whether an application is for a loan to be secured by manufactured housing. It was suggested that if the Board adopts the proposal, the loan application register must allow a reporter to indicate when it does not know whether the application involves a manufactured home. Commenters also asserted that lenders are not familiar with the proposed definition of manufactured housing found in HUD regulations. Some commenters believed that loan officers would have to review loan applications and files to determine if the property involved met the specifications in the HUD definition.

The Board believes that identifying applications and loans involving manufactured housing will improve the utility of HMDA data. As in the proposal, the final rule provides that manufactured home loans will be identified using the definition that appears in the HUD regulation that establishes construction and safety standards for manufactured homes. Although some commenters suggested reproducing the text of the HUD definition in Regulation C, the Board has opted to incorporate the definition by reference, so that if HUD revises the text of its regulation in the future, changes to Regulation C will not be necessary. The HUD definition is accepted by the manufactured home industry and establishes a clear definition for HMDA reporters. If a lender does not know at the time of application—and cannot determine through reasonable means—whether a loan is for a manufactured home, the lender reports the property type as a one-to four-family dwelling.

4(a)(8) Type of Action Taken and Date

Counteroffers. A new comment is adopted to clarify that an institution must report a denial on the original terms requested by the applicant when the institution makes a counteroffer—such as an offer of a different amount of credit from the amount requested—and the applicant does not accept the counteroffer or fails to respond. See comment 4(a)(8)–1.

Underwriting conditions. The staff commentary provides that if an institution issues a loan approval subject to the applicant's meeting underwriting conditions, other than customary conditions, and the applicant does not meet them, the institution must report the action taken as a denial. The Board proposed to delete the exclusion for ''customary conditions'' from this comment, because institutions expressed confusion about the scope of this term, and the Board believed that it was impractical to make the term precise and comprehensive.

Commenters—primarily financial institutions—opposed the deletion of the exclusion for customary conditions. They stated that without the exclusion, a lender would be viewed as having denied an application when the loan was not originated due to circumstances outside the lender's control, such as title difficulties. One commenter argued that customary conditions could be defined as verification of employment, amount of compensation, appraised value, and insurability. Another commenter suggested that loans within the exclusion should be reported as approved but not accepted. Based on the comments and on its own analysis, the Board has retained the exclusion for

customary conditions. The Board continues to believe, however, that defining customary conditions is not practicable, given the wide variety of practices among lenders. Thus the comment continues to provide illustrative examples of customary conditions. See comment 4(a)(8)–4.

Other matters. As part of the reorganization of the regulation, the Board has moved some material regarding the date action is taken from Appendix A to the staff commentary. See comment 4(a)(8)–7.

4(a)(10) Ethnicity, Race, Sex and Income

See Appendix A, paragraph I.D.3. and 4, and Appendix B, below, regarding changes to the appendices to conform collection of ethnicity and race data under Regulation C to OMB guidance. For ethnicity, the standards provide for data on whether individuals are Hispanic or Latino, or do not fall within this category. The revised standards prescribe five racial designations: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White. The standards eliminate the option of designating ''Other.'' The standards also require that respondents be offered the option of selecting one or more designations. 62 FR 58782, 58786 (October 30, 1997).

To achieve complete conformity with these guidelines, the Board is modifying the appendices. As proposed, the appendices combined the questions of race and Hispanic or Latino ethnicity. OMB recommends that the question of Hispanic ethnicity be posed separately from the question of race in all cases of self-identification. Therefore, Appendices A and B as adopted separate the questions of ethnicity and race and, as OMB recommends, pose the ethnicity question first.

Many industry commenters objected to the proposal. Some cited the cost of converting their data collection systems. The Board believes, however, the compliance burden is outweighed by the importance of uniform adoption of the standards throughout the federal government. The Board also notes that these objections were considered by the OMB before it promulgated the new standards. See 62 FR at 58784 (summarizing comments opposing multiple-race reporting on grounds of increased costs).

Some commenters were concerned that the new system would confuse applicants as well as employees of lenders who have to designate the race and ethnicity of applicants by visual observation. The Board believes that any confusion among lenders' employees can be mitigated by appropriate and timely training. Although some industry commenters requested guidance on designating race under a regime that permits multiple designations, the Board is not revising existing guidance, which provides that designations be made to the extent possible.

Some commenters contended that data collected under the revised standards would not enable proper fair lending assessments. For instance, some commenters expressed concern that permitting multiple designations of race would make it difficult to interpret the data for fair lending purposes. OMB has published guidance on how to aggregate and allocate multiple-race responses. See OMB Bulletin No. 00–02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement (March 9, 2000) at *http://www.whitehouse.gov/omb/bulletinsib00–02.html*). Some commenters also expressed concern that data collected under the new standards would not be comparable to data collected under the old standards. OMB has addressed this issue as well. See Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity (December 15, 2000), Appendix C, The Bridge Report: Tabulation Options for Trend Analysis (available at *http:www.whitehouse.gov/omb/inforeg/r&e_app-c&tables.pdf*).

Applications Taken by Telephone. The Board proposed to revise Appendix B to codify a longstanding interpretation that, if an application is made entirely by telephone, the reporting institution is permitted, but not required, to request data on race or ethnicity and sex. Many commenters expressed concern that this interpretation may have contributed to declining response rates to these questions. HMDA data show that from 1993 to 2000, the proportion of home loan applications of all types with missing race or ethnicity data increased from about 8 percent to about 28 percent. Missing data about the applicant's sex has increased at about the same rate.

It is not clear what proportion of this missing information is attributable to telephone applications. Applicants by mail and Internet may have declined to provide the information, even though asked, as required, by the lender. The Board believes, however, that at least part of the substantial decline in response rates regarding race and ethnicity may be explained by the apparent increase in lenders' use of the telephone to take applications. Thus the Board has published a separate notice in today's **Federal Register**, proposing to conform the current rule for telephone applications to the rule applicable to mail and Internet applications. For a discussion of the issue and information about how to submit comments, please refer to the Board's notice published elsewhere in today's **Federal Register**.

4(a)(12) and (13) Additional Data Items Related to Loan Pricing

The statutory findings and purposes section of the Home Mortgage Disclosure Act refers to lenders' responsibilities ''to provide adequate home financing to qualified applicants on reasonable terms and conditions,'' and to the goal of providing the enforcement agencies and the public ''with sufficient information to enable them to determine whether [lenders] are filling their obligations to serve the housing needs of the communities and neighborhoods in which they are located * * *.''[3] In addition, the 1989 amendments to the act, requiring reporting of racial characteristics, sex, and income, made clear that another goal of the statute is strengthening enforcement of fair lending laws.[4] The Congress provided that the Board ''shall prescribe such regulations as may be necessary'' to carry out these purposes.[5]

Obtaining loan pricing data is critical to address fair lending concerns related to loan pricing and to better understand the mortgage market, including the subprime market. The mortgage marketplace has changed significantly since HMDA was enacted and continues to evolve. Along with a substantial growth in the subprime market has come increased variation in loan pricing, generally related to an assessment of credit risk. In light of these changes, the Board believes that the collection of loan pricing information is necessary to fulfill the statutory purposes of HMDA and to ensure the continued utility of the HMDA data. The Board is revising the regulation to require lenders to report data regarding loan pricing (the rate spread and HOEPA status, as described below). The Board also believes information on lien status would make pricing data more useful, and is separately seeking comment in today's

[3] HMDA § 302(a) and (b), 12 U.S.C. 2801(a) and (b).

[4] ''A primary purpose of such reporting [under HMDA] is to assist regulatory agencies in identifying possible discriminatory lending patterns that warrant closer scrutiny.'' H. Conf. Rep. 101–222, p. 459 (Aug. 4, 1989) (report accompanying legislation adding racial characteristics, sex, and income). ''The conferees placed highest priority on the collection of analytically useful data by means of which to identify and eliminate discriminatory lending practices.'' Id.

[5] HMDA § 305(a), 12 U.S.C. 2804(a).

Federal Register on whether it should amend Regulation C to require lenders to indicate lien status for applications and loans.

Annual Percentage Rate. HMDA data currently include no information on loan pricing. The Board proposed to require that lenders report the annual percentage rate (APR) charged on a loan. This information would facilitate identification of subprime loans, which have different characteristics, such as higher denial rates, from other mortgage loans. Pricing information could also help identify practices that raise potential fair lending concerns warranting further investigation.

The Board proposed to require reporting of the APR only for home purchase and home improvement loans that are covered by the Truth in Lending Act (TILA) for which the lender is required to disclose the APR to the consumer. Thus, APR reporting would not be required, for example, on an application withdrawn before the lender is required to disclose the APR, or on a loan made to a corporate borrower and therefore not covered by TILA, which applies only to credit extended for consumer purposes.

Lenders and their trade associations generally opposed the collection of the APR based on a belief that the data obtained would not be useful enough to justify the burden imposed in gathering it. They argued that APR data, viewed in isolation from other terms and conditions of the loan and from underwriting information, have little value and are subject to misinterpretation by the public. Lenders appeared concerned about unfounded allegations of unlawful credit discrimination should the data reveal disparities among different classes of borrowers, even though the disparities may be based on legitimate risk-based pricing and creditworthiness standards. Lenders also argued that there is no need to require that the APR be reported under HMDA because examiners already have access to APR data in depository lenders' files.

The Board proposed to mitigate burden by requiring reporting of APRs only for HMDA loans subject to TILA, for which the APR is already computed by the lender. Some lenders contended, however, that reporting under HMDA would still impose a substantial cost burden, because their systems for TILA disclosure and HMDA reporting are separate and do not necessarily interface readily. About half of the comments from lenders and their trade associations stated that reporting of pricing data in particular would be burdensome, although only about half of these offered specific reasons for their claim of burden. Perhaps the most common sources of burden cited were the initial costs of reprogramming software, changing procedures, and training employees, as well as the ongoing costs of data entry and monitoring.

Some commenters suggested that if the Board decided to require reporting of the APR, the requirement should be limited to originated loans, to reduce the burden imposed. For example, they believed that denied or withdrawn loan applications and purchased loans should not be subject to the requirement.

Other commenters, including community groups and law enforcement and regulatory agencies, supported collection of the APR. They believe that APR data would be useful as an initial screen in fair lending analysis. They noted that the burden would involve primarily a one-time expense to reprogram systems and the ongoing costs to input data, which would be mitigated by the fact that lenders already calculate and disclose the APR under TILA. Many commenters who supported reporting the APR advocated collecting other data about loan terms and underwriting information such as interest rate, fees, subprime status, lien status, whether the loan is fixed-rate or variable-rate, the term of the loan, loan-to-value ratio, credit score, and debt-to-income ratio.

Alternative Pricing Disclosure. The proposal would have required lenders to report and disclose the APR for all loan applications and originations. The Board has instead adopted a modified approach regarding the rate disclosure and coverage of the rule. Under the final rule, lenders will report the rate spread between the APR on a loan and the yield on Treasury securities with comparable maturity periods, for loan originations in which the APR exceeds the applicable Treasury yield by a percentage or threshold specified by the Board. The staff commentary clarifies how a lender determines which Treasury security has a maturity period that is comparable to a particular loan. See comment 4(a)(12)–1.

The Board is adopting this approach to loan pricing information because it will adjust pricing data for changes in market conditions over time, focus on higher cost loans, and limit reporting burden because fewer loans would be subject to the reporting requirement. The Board has limited the reporting requirement to originations of home purchase loans, secured home improvement loans, and refinancings, to minimize burden. The final rule excludes from the reporting requirement: (1) Applications that are incomplete, withdrawn, denied, or approved but not accepted; (2) purchased loans; and (3) unsecured home improvement loans.

The Board believes that lenders should report the spread for loans that equal or exceed a threshold of 3 percentage points for first lien loans, and 5 percentage points for subordinate lien loans (which generally have a higher APR). These thresholds are tentative—in the text of the final regulation, brackets have been inserted around the thresholds—because selecting the appropriate thresholds for price disclosure is not straightforward. The thresholds are intended to ensure, to the extent possible, that pricing data for higher cost loans are collected and disclosed, and at the same time to exclude prime loans from the requirement. There is limited public information on the range of prices (particularly APRs) of closed loans in the mortgage market, and there is no absolute demarcation between subprime and prime mortgage markets. Therefore, the Board is seeking public comment on whether the tentative thresholds are appropriate in a separate notice in this issue of the **Federal Register**. The Board will finalize the thresholds for reporting pricing information by mid-year 2002. For a discussion of the issue and information about how to submit comments, please refer to the Board's notice published elsewhere in this **Federal Register**.

HOEPA Status. The Board proposed to require that in addition to the APR on a loan, lenders report whether the loan is covered by the provisions of the Home Ownership and Equity Protection Act (HOEPA) as implemented in Regulation Z. Obtaining information on the volume and pattern of lending covered under HOEPA would be useful for better understanding the mortgage market, particularly the subprime market.

Lenders and their trade associations generally opposed the proposal. They contended that HOEPA loans carry reputational risk, and that the requirement to disclose HOEPA status would therefore act as a disincentive to lenders to make such loans. As with APR reporting, commenters suggested that there was no need to require HOEPA status reporting under HMDA, because the same information could be obtained by the banking agencies through the examination process.

Community groups and regulatory and enforcement agencies supported the proposal. They asserted that data on the HOEPA status of loans is critical to the

Board's separate rulemaking under HOEPA; that HOEPA status could be considered a proxy for subprime status, and would allow regulators to focus fair lending examinations on that part of the market; and that any burden associated with collecting HOEPA status would be primarily the one-time cost of reprogramming software.

The Board is amending Regulation C, as proposed, to require that the HOEPA status of a loan be reported and disclosed. While HOEPA status can be obtained through bank examinations, nondepository lenders are not subject to regular examinations. Nondepository lenders made about 57 percent of the dollar volume of loan originations reported under HMDA for the year 2000. Moreover, although depository lenders are examined on a regular basis, collecting HOEPA status on the HMDA/LAR is a more efficient way to obtain the data.

Some commenters believed that, if the APR data were to be collected, requiring the reporting of HOEPA status would be duplicative. But a loan's HOEPA status cannot be determined from the loan's APR alone. HOEPA coverage is based not only on the APR, but also on points and fees; some loans are covered because of the fees charged. Information from industry that was submitted to the Board during the HOEPA rulemaking suggests that roughly 30 percent of the first-lien loans and 23 percent of the subordinate-lien loans that will be covered by HOEPA (as revised in December 2001) will be covered only because of the points and fees on the loans.

Lien Status. The Board solicited comment in its December 2000 proposal on all aspects of the proposed changes and on any other issues that might warrant further review. Some commenters recommended that the Board require lenders to report the lien status and type of interest rate on a loan, along with other items of data. Other commenters, including a federal agency, said that information on lien status would be useful in interpreting other loan information such as the APR.

The Board believes that lien status would be useful in interpreting information on loan pricing. Interest rates, and therefore APRs, vary according to lien status; rates on first-lien loans are generally lower than rates on junior-lien or unsecured loans. Information on lien status would also be useful in interpreting home improvement loan data, as the revised definition of a home improvement loan turns on whether the loan is dwelling-secured. In view of the fact that the Board is soliciting comment in a separate notice on the appropriate thresholds for collecting rate spread information, the Board believes it is appropriate to provide the public with an additional opportunity to comment on the collection of lien status information. For a discussion of these issues and information about how to submit comments, please refer to the Board's notice published separately in this issue of the **Federal Register**.

Other matters. The Board requested comment on whether the loan-to-value ratio (LTV), or the appraised value of the property that secures a loan should be reported, based on concerns that appraisals may be used to discriminate against certain home mortgage applicants.

Several commenters supported a requirement to report LTV or appraised value. Some believed that these data would be very useful in rooting out predatory lending, particularly in combination with the APR and points and fees on a loan. The majority of commenters who addressed the issue—including almost all the financial institutions—opposed a requirement to report either appraised value or LTV ratio. Some argued that appraisals are too subjective to generate useful data. Others pointed out that complete data could not be gathered, because appraisals are not required for all properties. Similarly, commenters pointed out that these data may be available only for loans originated, because an application may be denied or withdrawn before an appraisal is ordered or an LTV is calculated. Based on the comments and its own analysis, the Board is not revising the regulation to require lenders to report LTV or appraised value.

4(b) Collection of Data on Ethnicity, Race, Sex, and Income 4(b)(2) Optional Collection

The Board has deleted the provision that depository institutions with assets on the preceding year-end of $30 million or less may, but need not, collect the data on applicants' race, ethnicity, sex, and income. This exemption has become superfluous. Regulation C entirely exempts from coverage a depository institution with total assets on the preceding year-end at or below the threshold set annually by the Board based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers. In 2001, the Board set this threshold at $32 million for data collection in 2002.

4(c) Optional Data

4(c)(1) Reasons for Denial

The statute permits, but does not require, a financial institution to report the reasons why a loan application was denied. Regulation C similarly gives institutions the option to report this information. The Board solicited comment on whether the regulation should be revised to require lenders to report reasons for denial. Based on the comments and its own analysis, the Board has retained the current rule on reporting of denial reasons.

Most commenters who addressed this issue—including several financial institutions, one banking trade association, regulatory agencies, and civil rights and community groups—supported requiring all institutions covered by HMDA to report reasons for denial. They contended that reporting denial reasons would not be burdensome, because lenders currently must provide the reasons to applicants under the Equal Credit Opportunity Act and Regulation B (or at least inform them of their right to know the reasons). These commenters argued that requiring such reporting would facilitate the identification of potential discrimination, and that all lending institutions should be subject to the same rules. They pointed out that reporting denial reasons in all cases would allow better comparison of data from different lenders.

Some commenters—primarily financial institutions—opposed mandatory reporting. These commenters maintained that denial reasons are not a reliable fair lending indicator because they may oversimplify the reasons for a credit decision.

Some commenters also opposed mandatory reporting on the basis of cost and burden. The Board believes that although information on denial reasons could be useful, the burden such a requirement would impose on lenders is not justified.

4(c)(2) Preapproval Requests

The regulation has been revised to require lenders to report preapproval requests that are denied and to identify preapproval requests that result in a loan origination. See discussion under 203.2(b) ''Application.'' The Board has also revised the regulation to permit, but not require, lenders to report preapproval requests that are approved by the institution but not accepted by the borrower, using the code provided. See Appendix A., Paragraphs I.A.8. and I.B.1.

4(d) Excluded Data

4(d)(3) Temporary Financing

Regulation C generally does not permit lenders to report temporary financing. The Board has not amended these rules. The Board believes that, although in some cases the data would not be duplicative—such as where a lender originates construction loans but does not offer permanent financing—these instances appear to be relatively few.

Time Period. The Board requested comment on whether the regulation should define ''temporary loans'' in terms of a time period. A few financial institutions requested a definition that includes a specific time period. Upon further analysis, however, the Board believes that in the absence of any generally accepted time frame for ''temporary financing,'' it is impracticable to provide a ''bright-line'' test. Instead, the regulation will continue to offer examples, such as construction financing.

4(d)(6) Purchased Loans

Branch Acquisition. The Board proposed to exclude from HMDA reporting loans that are purchased as part of a branch acquisition. Limited comment was received. A community group asserted that data on all purchased loans are needed to discourage institutions from purchasing predatory loans. Industry commenters, on the other hand, supported the proposal. They believe that the decision to acquire a branch is an investment decision rather than a credit decision.

Based on the comments and on its own analysis, the Board is adopting the proposal. A ''branch acquisition'' entails the purchase of *all* the assets and liabilities of a branch of a depository institution; it need not involve the purchase of the branch's physical facilities. Loans purchased as part of a branch asset sale (not including sale of the branch's liabilities) would continue to be reported.

Section 203.5—Disclosure and Reporting

5(b) Public Disclosure of Statement

The regulation requires that a financial institution make its disclosure statement available to the public, under certain circumstances, within a specified number of ''business days.'' The Board has revised the staff commentary to clarify that for this purpose a ''business day'' is any calendar day other than a Saturday, Sunday, or legal public holiday. (See comment 5(b)–1.)

5(f) Loan Aggregation and Central Depositories

As part of the reorganization of the regulation, material on loan aggregation and central depositories that now appears in section 203.1''Authority, purpose, and scope'' has been moved to section 203.5, as paragraph (f).

Section 203.6—Enforcement

As part of the reorganization of the regulation, some material from the staff commentary (see comments 4(a)–1 and 6(b)–1) has been moved to this section of the regulation. The material clarifies that certain actions do not violate the act or regulation.

IV. Appendix A

The Board's reorganization of the regulation entails non-substantive revisions of Appendix A, such as redesignating several provisions. The Board also makes certain substantive changes that conform Appendix A to revisions discussed above.

I. Instructions for Completion of Loan/Application Register

A. Application or Loan Information

4. Property Type

A new field is added to identify the type of property to which the application or loan relates (one-to four-family dwelling, manufactured housing, or multifamily dwelling). See the discussion of ''Manufactured housing status'' under section 4(a)(5), above.

5. Purpose

This field, which used to combine loan purpose and property type, is revised to include only the purpose of the application or loan (*i.e.*, home purchase, home improvement). Information on property type is moved to its own field, as discussed in paragraph 4 above.

B. Action Taken

New codes are added for action taken on preapproval requests. An institution is required to report preapproval requests that are denied, using the action code provided. An institution may report, at its option, preapproval requests that are approved but not accepted by the applicant, using the code provided.

C. Property Location

Coordination with the CRA. Appendix A provides guidance to lenders that report data under the CRA regarding the reporting of property-location information for loans located outside the metropolitan areas where those lenders have offices. In response to inquiries from lenders, the Board is clarifying this guidance, without changing it substantively.

Lenders that report data under the CRA must report the metropolitan area, state, and county where the property is located. In general, they must also report the census tract. However, if the property is located in a county with a population of 30,000 or less, a lender may report either ''NA'' or the census tract number.

Block Numbering Areas. Under the current rule, lenders may report the Block Numbering Area (BNA) for untracted areas. The Census Bureau has assigned census tract numbers to all areas. Accordingly, the Board has revised Appendix A to reflect this change.

Requests for Preapproval. The final rule requires institutions to identify requests for preapproval that result in loan originations and to report denials of preapproval requests. See discussion under section 2(b), above. Because preapproval requests denied will not include data on property location, the Board is clarifying that lenders should report ''NA'' in the property location fields associated with requests for preapproval that are denied. Lenders that opt to report preapprovals falling in the category of ''approved but not accepted'' also should report ''NA'' in the property location fields.

D. Applicant Information—Ethnicity, Race, Sex, and Income

3. and 4. Ethnicity and Race of Borrower or Applicant

The Board has conformed the racial classifications to the standards set by OMB. See the discussion under section 203.4(a)(10) ''collection of ethnicity, race, sex, and income of applicants.'' Consistent with OMB's guidelines, an applicant is allowed to designate all racial groups that are applicable, and information regarding Hispanic or Latino ethnicity is collected separately from information on race. As noted previously, the Board is separately requesting comment on a proposal to make mandatory the collection of monitoring information in applications taken by telephone.

Minor revisions have been made to the codes to provide more clarity. A code 5 for ethnicity and a code 8 for race have been added for cases in which there is no co-applicant or co-borrower. In addition, the instructions make clear that the code ''not applicable'' is to be used only in loans involving a corporate borrower or a partnership, or for loans purchased by the institution.

E. Type of Purchaser

The final rule includes changes to the codes for identifying the type of purchaser of an originated loan. The Board believes these changes will increase the utility of the information about the secondary market available to users of HMDA data. Under the current codes, the categories of ''life insurance company,'' ''commercial bank,'' and ''savings bank or association,'' account for a very small portion of loans sold. About one-third of home loans sold are attributed to the code 9, ''other type of purchaser.'' The final rule addresses these matters by expanding certain existing categories, combining others, and adding a new category for private securitization.

G. Other Data

The Board is adding fields for the price of the loan (rate spread) and HOEPA status. See the discussion under section 4(a)(12) and (13) ''additional items related to loan pricing.''

II. Federal Supervisory Agencies

The Board has removed the list of types of lenders and their supervisory agencies from the Appendix. This information is provided in section 305(b) of the act (12 U.S.C. 2804(b)).

Form of Transmittal Sheet

Based on the comments and its own analysis, the Board is revising the HMDA/LAR transmittal sheet to require reporting of the identity of a parent company, if any. The requirement was eliminated a few years ago to reduce burden, because parent information is generally available through the National Information Center (''NIC'') database. 63 FR 52140 (September 30, 1998). Data users have asserted, however, that it is important to have the information in the HMDA data rather than in a separate database such as NIC. Moreover, the NIC database does not include parent company information for all HMDA reporters. Generally, commenters supported requiring institutions to report parent company information. Some commenters, including financial institutions, noted that such a requirement would impose minimal burden on lenders.

The transmittal sheet also has been revised to call for the institution's e-mail address, if any exists, in addition to the existing requirements for the telephone and facsimile numbers of the reporting institution's contact person.

V. Appendix B

Appendix B is revised to reflect the revised OMB guidance discussed under section 203.4(a)(10).

VI. Reorganization of the Regulation

The Board proposed to reorganize Regulation C to make it easier to use and to make reporting less burdensome for institutions. In the past, formal guidance for compliance with HMDA was contained in Regulation C, in the instructions for completing the loan/application register (Appendix A to the regulation), in the instructions for the collection of certain applicant data (Appendix B), and in the staff commentary. Informal guidance was provided in the FFIEC's ''A Guide to HMDA Reporting: Getting It Right!'' Compliance officers and other commenters expressed concern about having to consult several sources to locate a requirement or interpretation dealing with a particular issue.

The Board solicited comment on the benefits of incorporating all of the interpretive materials into the commentary, reducing the instructions in Appendix A to code descriptions, and reorganizing the material within the regulation. These changes were supported by most of the commenters that addressed them—including both data reporters and data users. They believed that a reorganization would make the regulation easier to understand and decrease possible misinterpretations by reporters and others. For these commenters, the benefits of simplification outweighed the burden of learning a new system of organization. Based on the comments and its own analysis, the Board has reorganized the regulation and commentary, eliminated redundant provisions, revised the instructions to facilitate reporting, and made other changes—such as rewording some provisions—so that the regulation is easier to use.

The cross-references to Appendix A in the staff commentary are deleted; they are unnecessary in view of the simplification and reorganization of Appendix A. ''A Guide to HMDA Reporting: Getting It Right!'' will continue to be published, in a format reflecting the reorganized regulation.

Provisions of the regulation, appendices, and commentary are redesignated as indicated in the tables below. The first six tables identify redesignated provisions in the first five sections of the regulation and in the corresponding paragraphs of the staff commentary; the seventh and eighth tables identify redesignated provisions in Appendices A and B. While the tables present a substantially complete summary of the reorganization, they should not be used as a substitute for a detailed comparison of the revised regulation with the old regulation.

TABLE 1.—SECTION 203.1—AUTHORITY, PURPOSE, AND SCOPE

Current	New
Commentary 203.1(c)–2, 3, 4	Regulation 203.2(k)
Commentary 203.1(c)–5	Commentary 203.1(c)–2
Commentary 203.1(c)–6	Commentary 203.1(c)–3
Commentary 203.1(c)–7	Commentary 203.1(c)–4
Commentary 203.1(c)–8	Commentary 203.1(c)–5
Commentary 203.1(c)–9	Commentary 203.1(c)–6
Commentary 203.1(c)–10	Commentary 203.1(c)–7
Commentary 203.1(c)–11	Commentary 203.1(c)–8
Commentary 203.1(c)–12	Commentary 203.1(c)–9
Regulation 203.1(d)	Regulation 203.5(f)

TABLE 2.—SECTION 203.2—DEFINITIONS

Current	New
Regulation 203.2(f)	Regulation 203.2(g)
Regulation 203.2(g)	Regulation 203.2(h)
Regulation 203.2(h)	Regulation 203.2(i)

TABLE 2.—SECTION 203.2—DEFINITIONS—Continued

Current	New
Commentary 203.2(e)–1	Commentary 203.2(e)–5
Commentary 203.2(e)–2	Commentary 203.2(e)–6
Commentary 203.2(f)–1	Deleted
Commentary 203.2(f)–2	Commentary 203–41(a)(3)–1
Commentary 203.2(f)–3	Commentary 203.4(a)(7)–3
Commentary 203.2(f)–4	Commentary 203.2(g)–1
Commentary 203.2(f)–5	Commentary 203.2(g)–2
Commentary 203.2(f)–6	Commentary 203.2(g)–3
Commentary 203.2(f)–7	Commentary 203.2(g)–5
Commentary 203.2(f)–8	Commentary 203.2(g)–4
Commentary 203.2(g)–6	Commentary 203.2(g)–8

TABLE 3.—SECTION 203.3—EXEMPT INSTITUTIONS

Current	New
Regulation 203.3(a)(1)	Regulation 203.2(e)(1)
Regulation 203.3(a)(2)	Regulation 203.2(e)(2)
Regulation 203.3(b)	Regulation 203.3(a)
Regulation 203.3(c)(1)	Commentary 203.2(e)–1
Regulation 203.3(c)(2)	Regulation 203.3(b)
Commentary 203.3(a)–l	Commentary 203.2(e)–1
Commentary 203.3(a)–2	Commentary 203.2(e)–3
Commentary 203.3(a)–3	Commentary 203.4(d)–1

TABLE 4.—SECTION 203.4—COMPILATION OF LOAN DATA

Current	New
Commentary 203.4(a)–1	Regulation 203.6(b)(3)
Commentary 203.4(a)(2)–1	Commentary 4(a)(3)–2, 2(g)–6, 2(h)–7
Commentary 203.4(a)(3)–1	Deleted
Commentary 203.4(a)(3)–2	Commentary 203.4(a)(6)–1
Commentary 203.4(a)(4)–3	Commentary 203.4(a)(7)–3 & 203.4(a)(3)–1
Commentary 203.4(a)(4)–4	Commentary 203.4(a)(7)–3
Commentary 203.4(a)(5)	Commentary 203.4(a)(8)
Commentary 203.4(a)(6)–1 through –4	Commentary 203.4(a)(9)
Commentary 203.4(a)(6)–5	Deleted
Commentary 203.4(a)(7)	Commentary 203.4(a)(10)
Commentary 203.4(a)(8)	Commentary 203.4(a)(11)
Commentary 203.4(c)–1	Deleted
Commentary 203.4(d)–1	Regulation 203.4(d)(4)

TABLE 5.—SECTION 203.5—DISCLOSURE AND REPORTING

Current	New
Regulation 203.5(a)	Regulation 203.5(a)(1)
Regulation 203.5(b)(1)	Regulation 203.5(b)(2)
Regulation 203.5(b)(2)	Regulation 203.5(b)(3)
Commentary 203.5(a)–1	Commentary 203.5(a)–5
Commentary 203.5(a)–2	Commentary 203.5(a)–6

TABLE 6.—SECTION 203.6—ENFORCEMENT

Current	New
Commentary 203.6(b)–1	Commentary 203.6(b)–1 & Regulation 203.6(b)(2)

TABLE 7.—APPENDIX A

Current	New
I.A.	Regulation 203.2(e)(1)
I.B.	Regulation 203.2(e)(1)
I.C.	Regulation 203.2(e)(2)
I.D.	Deleted

TABLE 7.—APPENDIX A—Continued

Current	New
I.E.	Regulation 203.5(a)(2)
I.F.	Regulation 203.3(a)(3)
II.A.	Commentary 203.5(a)–1 and –2
II.B.	Commentary 203.5(a)–3
II.C.	Commentary 203.5(a)–4
II.D.	Commentary 203.5(a)–4
II.E.	Deleted
III.A.	Regulation 203.5(a)(1)
III.B.	Commentary 203.5(a)–6 & 4(a)–1(vi)
III.C.	Commentary 203.5(a)–8 & 4(a)–1(vii)
III.D.1.	Regulation 203.5(b)(1) and (2), Commentary 203.5(b)–1
III.D.2.	Commentary 203.5(b)–2
III.E.1.	Regulation 203.5(c)
III.E.2.	Commentary 203.5(c)–1
III.E.3.	Regulation 203.5(c)
III.F.1.	Commentary 203.5(e)–1
III.F.2.	Commentary 203.5(e)–2
IV.A.1.	Commentary 203.4(a)–1(I)
IV.A.2.	Commentary 203.4(a)–1(ii)
IV.A.3	Commentary 203.4(a)–1(iii)
IV.A.4.	Commentary 203.4(a)–1(iv)
IV.A.5.	Commentary 203.4(a)–1(v)
IV.B.	Deleted
V.A.1.	Commentary 203.4(a)(1)–4 & App. A.I.A.1.
V.A.2.	App. A.I.A.2.
V.A.3.	App. A.I.A.3.
V.A.4.	App. A.I.A.4 & 5
V.A.5	App. A.I.A.4 & 5
V.A.6	App. A.I.A.6
V.A.7	App. A.I.A.6
V.A.8.	App. A.I.A.7.
V.B.1.	App. A.I.B.1.
V.B.2	App. A.I.B.1.
V.B.3.	App. A.I.B.2
V.C.	App. A.I.C. & Commentary 203.4(a)(9)–2
V.C.1	App. A.I.C.1
V.C.2	App. A.I.C.2
V.C.3	App. A.I.C.3
V.C.4.	App. A.I.C.4
V.C.5	App. A.I.C.5
V.C.6	Deleted
V.C.7	App. A.I.C.6
V.D.	App. A.I.D.
V.D.1.	App. A.I.D.1
V.D.2.	App. A.I.D.2; App.B.II.A.
V.D.3.	App. A.I.D.3 & 4
V.D.4.	App. A.I.D.5.
V.D.5.	App. A.I.D.6
V.E.	App. A.I.E. & Commentary 203.4(a)(11)–2
V.F.	App. A.I.F
VI.	App. A.II.

TABLE 8.—APPENDIX B

Current	New
B.I.A.	I.
B.I.B.1.	II.A.
I.B.2	II.D.
I.B.3	II.B.
I.B.4.	II.E.
I.B.5	Deleted

VII. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The Federal Reserve may not conduct or sponsor and an organization is not required to respond to, this information collection unless it displays a currently valid OMB control number. The OMB

control number is 7100–0247 for the Federal Reserve's information collection under Regulation C.

The mandatory collection of information that is revised by this rulemaking is found in 12 CFR part 203, which implements 12 U.S.C. 2801–2810. Public officials use this information to determine whether financial institutions are serving the housing needs of their communities; to help target public investment to promote private investment where it is needed; and to identify possible discriminatory lending patterns for enforcement of anti-discrimination statutes.

The respondents are all types of financial institutions that meet the tests for coverage under the regulation. Depository institutions with offices in metropolitan areas whose assets are below an asset size threshold that adjusts yearly (currently $32 million) are not required to comply. Under the Paperwork Reduction Act the Federal Reserve accounts for the burden of the paperwork associated with the regulation only for state member banks, their subsidiaries, subsidiaries of bank holding companies, U.S. branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601–604a; 611–631). Other federal agencies account for the paperwork burden for the institutions they supervise. Respondents must maintain their HMDA/LARs and modified HMDA/LARs for three years and their disclosure statements for five years.

The final rule amends Regulation C to improve the quality, consistency, and utility of data reported under HMDA. The revisions expand coverage of nondepository lenders, revise definitions of covered loans and applications, and require reporting of additional items of information.

In conjunction with its proposal, the Federal Reserve sought comment on the burden estimates for the proposed changes. The Board received nearly 300 public comment letters, most of which addressed the issue of respondents' burden. These comments were addressed at length earlier in this notice. In general, industry commenters expressed concern that the proposed changes, taken as a whole, would impose significant burdens. The Federal Reserve has revised certain aspects of the proposal to address some of the burden concerns. Those revisions are discussed earlier in this notice.

The estimated annual burden for this information collection varies from 12 to 12,000 hours, depending on individual circumstances, with estimated averages of 242 hours for state member banks and 192 hours for mortgage banking subsidiaries and other respondents. To most accurately estimate the annual burden for this information collection the staff used the number of Federal Reserve supervised respondents that were required to report CY 2000 data in March 2001. The Federal Reserve estimates the annual burden to be roughly 146,000 hours, a 20 percent increase from the last estimate of the annual burden under the current regulation.

Respondents also face a one-time cost burden to reprogram systems to add codes for new data items, update systems with the new definitions for current data items, and create an interface between current HMDA and Truth in Lending systems to enable reporting of pricing data. Institutions that use vendor-provided software systems (the bulk of reporting institutions) will face costs averaging around $2,000 to $5,000. Institutions that purchase and adapt off-the-shelf applications will face costs averaging between $20,000 and $50,000. Institutions that use mainframe systems and employ systems programmers (the largest institutions) will face costs averaging between $120,000 and $270,000. Using the maximum cost for each of the three ranges to calculate a weighted average, the Federal Reserve estimates that the average covered financial institution will incur a one-time cost of approximately $17,400.

The Board's Legal Division has determined that HMDA data collection and reporting are required by law; completion of the loan/application register, submission to the Federal Reserve, and disclosure to the public upon request are mandatory. After the data are redacted as required by the statute and regulation, they are made publicly available and are not considered confidential. Data that the regulation requires be redacted (loan number, date application received, and date action taken) is given confidential treatment under exemption 6 of the Freedom of Information Act (5 U.S.C. 552(b)(6)).

The Board has a continuing interest in the public's opinion of the Federal Reserve's collection of information. At any time, comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, may be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551; and to the Office of Management and Budget, Paperwork Reduction Project (7100–0247), Washington, DC 20503.

VIII. Regulatory Flexibility Analysis

In accordance with section 3(a) of the Regulatory Flexibility Act (5 USC 604(a)), the Board has prepared a final regulatory flexibility analysis of these revisions. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–3245. A summary of the analysis follows.

The final rule is a consequence of Board policy to review its regulations periodically and a desire to update the regulation to reflect mortgage markets more clearly, enhance consumer protection, and conform its regulation with new guidance from the Office of Management and Budget concerning collection of data on ethnicity and race by federal agencies.

The Board received no comments specifically responding to the initial regulatory flexibility analysis published in conjunction with the proposed rule. As discussed in the Supplementary Information, however, many comments the Board received discussed the burdens arising from particular proposals. Such comments are summarized throughout the Supplementary Information, as are the Board's responses. The Supplementary Information also contains discussions of alternative measures the Board considered adopting, and in some cases adopted, to reduce burden.

The major changes in the final rule bring more institutions and transactions under requirements for data collection and reporting and requiring more data on each covered transaction. Among the proposed revisions, those increasing the transactions covered and the data that are required to be reported for each transaction are the most significant in terms of potential benefits and in increasing regulatory burden. The final rule would affect all institutions currently within the scope of the regulation, including covered small institutions.

The number of institutions that would be brought under the regulation for the first time is likely quite limited. No newly covered institution would be a small mortgage lender. The new criterion for coverage'which is added to the existing criteria—is that institutions must have originated at least $25 million home purchase loans (including

refinancings of such loans) in the prior calendar year. Board staff projects that any newly covered institutions would be more active in the mortgage business than most of the institutions currently required to report.

It is difficult to quantify the benefits and costs associated with the final rule. The new information will provide data to help identify possible discriminatory lending patterns and assist regulators in conducting examinations under the Community Reinvestment Act and other laws. Additional data on covered transactions will allow for more precise differentiation among loan products and reduce the potential bias that results when dissimilar loan products are jointly classified. The data will also help inform the public about developments in the mortgage market by revealing pricing information on higher-cost home loans and by ensuring that more complete and consistent information is available about mortgage refinancings and home improvement lending.

Although the final rule will offer a number of benefits it also will require covered lenders, including small institutions, to change their current procedures and systems for collecting and reporting required data, and potentially to report new transactions. The regulatory agencies will take steps to mitigate these costs, but for at least some covered lenders they are likely to be significant.

List of Subjects in 12 CFR Part 203

Banks, Banking, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board revises 12 CFR part 203 to read as follows:

PART 203—HOME MORTGAGE DISCLOSURE (REGULATION C)

Sec.
203.1 Authority, purpose, and scope.
203.2 Definitions.
203.3 Exempt institutions.
203.4 Compilation of loan data.
203.5 Disclosure and reporting.
203.6 Enforcement.
Appendix A To Part 203—Form And Instructions for Completion of HMDA Loan/Application Register
Appendix B To Part 203—Form And Instructions for Data Collection on Ethnicity, Race, And Sex
Supplement I To Part 203—Staff Commentary

Authority: 12 U.S.C. 2801–2810.

§ 203.1 Authority, purpose, and scope.

(a) *Authority.* This regulation is issued by the Board of Governors of the Federal Reserve System (''Board'') pursuant to the Home Mortgage Disclosure Act (''HMDA'') (12 U.S.C. 2801 *et seq.*), as amended. The information-collection requirements have been approved by the U.S. Office of Management and Budget (''OMB'') under 44 U.S.C. 3501 *et seq.* and have been assigned OMB numbers for institutions reporting data to the Office of the Comptroller of the Currency (1557–0159), the Federal Deposit Insurance Corporation (3064–0046), the Office of Thrift Supervision (1550–0021), the Federal Reserve System (7100–0247), and the Department of Housing and Urban Development (''HUD'') (2502–0529). A number for the National Credit Union Administration is pending.

(b) *Purpose.* (1) This regulation implements the Home Mortgage Disclosure Act, which is intended to provide the public with loan data that can be used:

(i) To help determine whether financial institutions are serving the housing needs of their communities;

(ii) To assist public officials in distributing public-sector investment so as to attract private investment to areas where it is needed; and

(iii) To assist in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes.

(2) Neither the act nor this regulation is intended to encourage unsound lending practices or the allocation of credit.

(c) *Scope.* This regulation applies to certain financial institutions, including banks, savings associations, credit unions, and other mortgage lending institutions, as defined in § 203.2(e). The regulation requires an institution to report data to its supervisory agency about home purchase loans, home improvement loans, and refinancings that it originates or purchases, or for which it receives applications; and to disclose certain data to the public.

§ 203.2 Definitions.

In this regulation:

(a) *Act* means the Home Mortgage Disclosure Act (''HMDA'') (12 U.S.C. 2801 *et seq.*), as amended.

(b) *Application.* (1) *In general.* Application means an oral or written request for a home purchase loan, a home improvement loan, or a refinancing that is made in accordance with procedures used by a financial institution for the type of credit requested.

(2) *Preapproval programs.* A request for preapproval for a home purchase loan is an application under paragraph (b)(1) of this section if the request is reviewed under a program in which the financial institution, after a comprehensive analysis of the creditworthiness of the applicant, issues a written commitment to the applicant valid for a designated period of time to extend a home purchase loan up to a specified amount. The written commitment may not be subject to conditions other than:

(i) Conditions that require the identification of a suitable property;

(ii) Conditions that require that no material change has occurred in the applicant's financial condition or creditworthiness prior to closing; and

(iii) Limited conditions that are not related to the financial condition or creditworthiness of the applicant that the lender ordinarily attaches to a traditional home mortgage application (such as certification of a clear termite inspection).

(c) *Branch office* means:

(1) Any office of a bank, savings association, or credit union that is approved as a branch by a federal or state supervisory agency, but excludes free-standing electronic terminals such as automated teller machines; and

(2) Any office of a for-profit mortgage-lending institution (other than a bank, savings association, or credit union) that takes applications from the public for home purchase loans, home improvement loans, or refinancings. A for-profit mortgage-lending institution is also deemed to have a branch office in a metropolitan area if, in the preceding calendar year, it received applications for, originated, or purchased five or more home purchase loans, home improvement loans, or refinancings related to property located in that metropolitan area.

(d) *Dwelling* means a residential structure (whether or not attached to real property) located in a state of the United States of America, the District of Columbia, or the Commonwealth of Puerto Rico. The term includes an individual condominium unit, cooperative unit, or mobile or manufactured home.

(e) *Financial institution* means:

(1) A bank, savings association, or credit union that:

(i) On the preceding December 31 had assets in excess of the asset threshold established and published annually by the Board for coverage by the act, based on the year-to-year change in the average of the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for each twelve month period ending in November, with rounding to the nearest million;

(ii) On the preceding December 31, had a home or branch office in a metropolitan area;

(iii) In the preceding calendar year, originated at least one home purchase loan (excluding temporary financing such as a construction loan) or refinancing of a home purchase loan, secured by a first lien on a one-to four-family dwelling; and

(iv) Meets one or more of the following three criteria:

(A) The institution is federally insured or regulated;

(B) The mortgage loan referred to in paragraph (e)(1)(iii) of this section was insured, guaranteed, or supplemented by a federal agency; or

(C) The mortgage loan referred to in paragraph (e)(1)(iii) of this section was intended by the institution for sale to Fannie Mae or Freddie Mac; and

(2) A for-profit mortgage-lending institution (other than a bank, savings association, or credit union) that:

(i) In the preceding calendar year, either:

(A) Originated home purchase loans, including refinancings of home purchase loans, that equaled at least 10 percent of its loan-origination volume, measured in dollars; or

(B) Originated home purchase loans, including refinancings of home purchase loans, that equaled at least $25 million; and

(ii) On the preceding December 31, had a home or branch office in a metropolitan area; and

(iii) Either:

(A) On the preceding December 31, had total assets of more than $10 million, counting the assets of any parent corporation; or

(B) In the preceding calendar year, originated at least 100 home purchase loans, including refinancings of home purchase loans.

(f) *Home-equity line of credit* means an open-end credit plan secured by a dwelling as defined in Regulation Z (Truth in Lending), 12 CFR part 226.

(g) *Home improvement loan* means:

(1) A loan secured by a lien on a dwelling that is for the purpose, in whole or in part, of repairing, rehabilitating, remodeling, or improving a dwelling or the real property on which it is located; and

(2) A non-dwelling secured loan that is for the purpose, in whole or in part, of repairing, rehabilitating, remodeling, or improving a dwelling or the real property on which it is located, and that is classified by the financial institution as a home improvement loan.

(h) *Home purchase loan* means a loan secured by and made for the purpose of purchasing a dwelling.

(i) *Manufactured home* means any residential structure as defined under regulations of the Department of Housing and Urban Development establishing manufactured home construction and safety standards (24 CFR 3280.2).

(j) *Metropolitan area* means a metropolitan area as defined by the U.S. Office of Management and Budget.

(k) *Refinancing* means a new obligation that satisfies and replaces an existing obligation by the same borrower, in which:

(1) For coverage purposes, the existing obligation is a home purchase loan (as determined by the lender, for example, by reference to available documents; or as stated by the applicant), and both the existing obligation and the new obligation are secured by first liens on dwellings; and

(2) For reporting purposes, both the existing obligation and the new obligation are secured by liens on dwellings.

§ 203.3 Exempt institutions.

(a) *Exemption based on state law.* (1) A state-chartered or state-licensed financial institution is exempt from the requirements of this regulation if the Board determines that the institution is subject to a state disclosure law that contains requirements substantially similar to those imposed by this regulation and that contains adequate provisions for enforcement.

(2) Any state, state-chartered or state-licensed financial institution, or association of such institutions, may apply to the Board for an exemption under paragraph (a) of this section.

(3) An institution that is exempt under paragraph (a) of this section shall use the disclosure form required by its state law and shall submit the data required by that law to its state supervisory agency for purposes of aggregation.

(b) *Loss of exemption.* An institution losing a state-law exemption under paragraph (a) of this section shall comply with this regulation beginning with the calendar year following the year for which it last reported loan data under the state disclosure law.

§ 203.4 Compilation of loan data.

(a) *Data format and itemization.* A financial institution shall collect data regarding applications for, and originations and purchases of, home purchase loans, home improvement loans, and refinancings for each calendar year. An institution is required to collect data regarding requests under a preapproval program (as defined in § 203.2(b)) only if the preapproval request is denied or results in the origination of a home purchase loan. All reportable transactions shall be recorded, within thirty calendar days after the end of the calendar quarter in which final action is taken (such as origination or purchase of a loan, or denial or withdrawal of an application), on a register in the format prescribed in Appendix A of this part. The data recorded shall include the following items:

(1) An identifying number for the loan or loan application, and the date the application was received.

(2) The type of loan or application.

(3) The purpose of the loan or application.

(4) Whether the application is a request for preapproval and whether it resulted in a denial or in an origination.

(5) The property type to which the loan or application relates.

(6) The owner-occupancy status of the property to which the loan or application relates.

(7) The amount of the loan or the amount applied for.

(8) The type of action taken, and the date.

(9) The location of the property to which the loan or application relates, by metropolitan area, state, county, and census tract, if the institution has a home or branch office in that metropolitan area.

(10) The ethnicity, race, and sex of the applicant or borrower, and the gross annual income relied on in processing the application.

(11) The type of entity purchasing a loan that the institution originates or purchases and then sells within the same calendar year (this information need not be included in quarterly updates).

(12) For originated loans subject to Regulation Z, 12 CFR part 226, in which the loan's annual percentage rate (APR) exceeds the yield on a Treasury security with a comparable period of maturity (as of the 15th day of the month immediately preceding the month in which the application for the loan was received by the financial institution) by 3 percentage points for a loan secured by a first lien and by 5 percentage points for a loan secured by a junior lien, the difference between the APR and the yield on the comparable Treasury security.

(13) Whether the loan is subject to the Home Ownership and Equity Protection Act of 1994.

(b) *Collection of data on ethnicity, race, sex, and income.* (1) A financial institution shall collect data about the ethnicity, race, and sex of the applicant

or borrower as prescribed in Appendix B of this part.

(2) Ethnicity, race, sex, and income data may but need not be collected for loans purchased by the financial institution.

(c) *Optional data.* A financial institution may report:

(1) The reasons it denied a loan application;

(2) Requests for preapproval that are approved by the institution but not accepted by the applicant; and

(3) Home-equity lines of credit made in whole or in part for the purpose of home improvement or home purchase.

(d) *Excluded data.* A financial institution shall not report:

(1) Loans originated or purchased by the financial institution acting in a fiduciary capacity (such as trustee);

(2) Loans on unimproved land;

(3) Temporary financing (such as bridge or construction loans);

(4) The purchase of an interest in a pool of loans (such as mortgage-participation certificates, mortgage-backed securities, or real estate mortgage investment conduits);

(5) The purchase solely of the right to service loans; or

(6) Loans acquired as part of a merger or acquisition, or as part of the acquisition of all of the assets and liabilities of a branch office as defined in § 203.2(c)(1).

(e) *Data reporting for banks and savings associations that are required to report data on small business, small farm, and community development lending under CRA.* Banks and savings associations that are required to report data on small business, small farm, and community development lending under regulations that implement the Community Reinvestment Act of 1977 (12 U.S.C. 2901 *et seq.*) shall also collect the location of property located outside metropolitan areas in which the institution has a home or branch office, or outside any metropolitan areas.

§ 203.5 Disclosure and reporting.

(a) *Reporting to agency.* (1) By March 1 following the calendar year for which the loan data are compiled, a financial institution shall send its complete loan/application register to the agency office specified in Appendix A of this part. The institution shall retain a copy for its records for at least three years.

(2) A subsidiary of a bank or savings association shall complete a separate loan/application register. The subsidiary shall submit the register, directly or through its parent, to the agency that supervises its parent.

(b) *Public disclosure of statement.* (1) The Federal Financial Institutions Examination Council (''FFIEC'') will prepare a disclosure statement from the data each financial institution submits.

(2) An institution shall make its disclosure statement (prepared by the FFIEC) available to the public at its home office no later than three business days after receiving it from the FFIEC.

(3) In addition, an institution shall either:

(i) Make its disclosure statement available to the public, within ten business days of receiving it, in at least one branch office in each other metropolitan area where the institution has offices (the disclosure statement need only contain data relating to the metropolitan area where the branch is located); or

(ii) Post the address for sending written requests in the lobby of each branch office in other metropolitan areas where the institution has offices; and mail or deliver a copy of the disclosure statement within fifteen calendar days of receiving a written request (the disclosure statement need only contain data relating to the metropolitan area for which the request is made). Including the address in the general notice required under paragraph (e) of this section satisfies this requirement.

(c) *Public disclosure of modified loan/application register.* A financial institution shall make its loan/application register available to the public after removing the following information regarding each entry: the application or loan number, the date that the application was received, and the date action was taken. An institution shall make its modified register available following the calendar year for which the data are compiled, by March 31 for a request received on or before March 1, and within thirty calendar days for a request received after March 1. The modified register need only contain data relating to the metropolitan area for which the request is made.

(d) *Availability of data.* A financial institution shall make its modified register available to the public for a period of three years and its disclosure statement available for a period of five years. An institution shall make the data available for inspection and copying during the hours the office is normally open to the public for business. It may impose a reasonable fee for any cost incurred in providing or reproducing the data.

(e) *Notice of availability.* A financial institution shall post a general notice about the availability of its HMDA data in the lobby of its home office and of each branch office located in a metropolitan area. An institution shall provide promptly upon request the location of the institution's offices where the statement is available for inspection and copying, or it may include the location in the lobby notice.

(f) *Loan aggregation and central data depositories.* Using the loan data submitted by financial institutions, the FFIEC will produce reports for individual institutions and reports of aggregate data for each metropolitan area, showing lending patterns by property location, age of housing stock, and income level, sex, ethnicity, and race. These reports will be available to the public at central data depositories located in each metropolitan area. A listing of central data depositories can be obtained from the Federal Financial Institutions Examination Council, Washington, D.C. 20006.

§ 203.6 Enforcement.

(a) *Administrative enforcement.* A violation of the Act or this regulation is subject to administrative sanctions as provided in section 305 of the Act, including the imposition of civil money penalties, where applicable. Compliance is enforced by the agencies listed in section 305(b) of the Act (12 U.S.C. 2804(b).

(b) *Bona fide errors.* (1) An error in compiling or recording loan data is not a violation of the act or this regulation if the error was unintentional and occurred despite the maintenance of procedures reasonably adapted to avoid such errors.

(2) An incorrect entry for a census tract number is deemed a *bona fide* error, and is not a violation of the act or this regulation, provided that the institution maintains procedures reasonably adapted to avoid such errors.

(3) If an institution makes a good-faith effort to record all data concerning covered transactions fully and accurately within thirty calendar days after the end of each calendar quarter, and some data are nevertheless inaccurate or incomplete, the error or omission is not a violation of the act or this regulation provided that the institution corrects or completes the information prior to submitting the loan/application register to its regulatory agency.

Appendix A to Part 203—Form and Instructions for Completion of HMDA Loan/Application Register

Paperwork Reduction Act Notice

This report is required by law (12 U.S.C. 2801–2810 and 12 CFR 203). An agency may not conduct or sponsor, and an organization is not required to respond to, a collection of information unless it displays a valid Office of Management and Budget (OMB) Control

Number. See 12 CFR 203.1(a) for the valid OMB Control Numbers, applicable to this information collection. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the respective agencies and to OMB, Office of Information and Regulatory Affairs, Paperwork Reduction Project, Washington, DC 20503. Be sure to reference the applicable agency and the OMB Control Number, as found in 12 CFR 203.1(a), when submitting comments to OMB.

I. Instructions for Completion of Loan/Application Regsiter

A. Application or Loan Information

1. Application or Loan Number

a. Enter an identifying loan number that can be used later to retrieve the loan or application file. It can be any number of your institution's choosing (not exceeding 25 characters). You may use letters, numerals, or a combination of both.

2. Date Application Received

a. Enter the date the loan application was received by your institution by month, day, and year. If your institution normally records the date shown on the application form you may use that date instead. Enter ''NA'' for loans purchased by your institution. For paper submissions only, use numerals in the form MM/DD/CCYY (for example, 01/15/2003). For submissions in electronic form, the proper format is CCYYMMDD.

3. Type of Loan or Application

Indicate the type of loan or application by entering the applicable code from the following:

Code 1—Conventional (any loan other than FHA, VA, FSA, or RHS loans)
Code 2—FHA-insured (Federal Housing Administration)
Code 3—VA-guaranteed (Veterans Administration)
Code 4—FSA/RHS-guaranteed (Farm Service Agency or Rural Housing Service)

4. Property Type

Indicate the property type by entering the applicable code from the following:

Code 1—One-to four-family dwelling (other than manufactured housing)
Code 2—Manufactured housing
Code 3—Multifamily dwelling

a. Use Code 1, not Code 3, for loans on individual condominium or cooperative units.

b. If you cannot determine (despite reasonable efforts to find out) whether the loan or application relates to a manufactured home, use Code 1.

5. Purpose of Loan or Application

Indicate the purpose of the loan or application by entering the applicable code from the following:

Code 1—Home purchase
Code 2—Home improvement
Code 3—Refinancing

a. Do not report a refinancing if, under the loan agreement, you were unconditionally obligated to refinance the obligation, or you were obligated to refinance the obligation subject to conditions within the borrower's control.

6. Owner Occupancy

Indicate whether the property to which the loan or loan application relates is to be owner-occupied as a principal residence by entering the applicable code from the following:

Code 1—Owner-occupied as a principal dwelling
Code 2—Not owner-occupied as a principal dwelling
Code 3—Not applicable

a. For purchased loans, use Code 1 unless the loan documents or application indicate that the property will not be owner-occupied as a principal residence.

b. Use Code 2 for second homes or vacation homes, as well as for rental properties.

c. Use Code 3 if the property to which the loan relates is a multifamily dwelling; is not located in a metropolitan area; or is located in a metropolitan area in which your institution has neither a home nor a branch office. Alternatively, at your institution's option, you may report the actual occupancy status, using Code 1 or 2 as applicable.

7. Loan Amount

Enter the amount of the loan or application. Do not report loans below $500. Show the amount in thousands, rounding to the nearest thousand (round $500 up to the next $1,000). For example, a loan for $167,300 should be entered as 167 and one for $15,500 as 16.

a. For a home purchase loan that you originated, enter the principal amount of the loan.

b. For a home purchase loan that you purchased, enter the unpaid principal balance of the loan at the time of purchase.

c. For a home improvement loan, enter the entire amount of the loan—including unpaid finance charges if that is how such loans are recorded on your books—even if only a part of the proceeds is intended for home improvement.

d. If you opt to report home-equity lines of credit, report only the portion of the line intended for home improvement or home purchase.

e. For refinancings, indicate the total amount of the refinancing, including both the amount outstanding on the original loan and any amount of ''new money.''

f. For a loan application that was denied or withdrawn, enter the amount applied for.

8. Request for Preapproval

Indicate whether the application is a request for a preapproval by entering the applicable code from the following:

Code 1—Preapproval requested
Code 2—Preapproval not requested
Code 3—Not applicable

a. Enter code 3 for applications or loans for home improvement or refinancing, and for purchased loans.

B. Action Taken

1. Type of Action

Indicate the type of action taken on the application or loan by using one of the following codes.

Code 1—Loan originated
Code 2—Application approved but not accepted
Code 3—Application denied
Code 4—Application withdrawn
Code 5—File closed for incompleteness
Code 6—Loan purchased by your institution
Code 7—Preapproval request denied
Code 8—Preapproval request approved but not accepted (optional reporting)

a. Use Code 1 for a loan that is originated, including one resulting from a request for preapproval.

b. For a counteroffer (your offer to the applicant to make the loan on different terms or in a different amount from the terms or amount applied for), use Code 1 if the applicant accepts. Use Code 3 if the applicant turns down the counteroffer or does not respond.

c. Use Code 2 when the application is approved but the applicant (or the loan broker or correspondent) fails to respond to your notification of approval or your commitment letter within the specified time. Do not use this code for a preapproval request.

d. Use Code 4 only when the application is expressly withdrawn by the applicant before a credit decision is made. Do not use code 4 if a request for preapproval is withdrawn; preapproval requests that are withdrawn are not reported under HMDA.

e. Use Code 5 if you sent a written notice of incompleteness under § 202.9(c)(2) of Regulation B (Equal Credit Opportunity) and the applicant did not respond to your request for additional information within the period of time specified in your notice. Do not use this code for requests for preapproval that are incomplete; these preapproval requests are not reported under HMDA.

2. Date of Action

For paper submissions only, enter the date by month, day, and year, using numerals in the form MM/DD/CCYY (for example, 02/22/2003). For submissions in electronic form, the proper format is CCYYMMDD.

a. For loans originated, enter the settlement or closing date.

b. For loans purchased, enter the date of purchase by your institution.

c. For applications and preapprovals denied, applications and preapprovals approved but not accepted by the applicant, and files closed for incompleteness, enter the date that the action was taken by your institution or the date the notice was sent to the applicant.

d. For applications withdrawn, enter the date you received the applicant's express withdrawal, or enter the date shown on the notification from the applicant, in the case of a written withdrawal.

e. For preapprovals that lead to a loan origination, enter the date of the origination.

C. Property Location

Except as otherwise provided, enter in these columns the applicable codes for the metropolitan area, state, county, and census tract to indicate the location of the property to which a loan relates.

1. *Metropolitan area.* For each loan or loan application, enter the metropolitan area

number. Metropolitan area boundaries are defined by OMB; use the boundaries that were in effect on January 1 of the calendar year for which you are reporting. A listing of metropolitan areas is available from your supervisory agency or the FFIEC.

2. State and County

Use the Federal Information Processing Standard (FIPS) two-digit numerical code for the state and the three-digit numerical code for the county. These codes are available from your supervisory agency or the FFIEC.

3. Census Tract

Indicate the census tract where the property is located. Notwithstanding paragraph 6, if the property is located in a county with a population of 30,000 or less in the 2000 census (as determined by the Census Bureau's 2000 CPH–2 population series), enter ''NA'' (even if the population has increased above 30,000 since 2000), or enter the census tract number.

4. Census Tract Number

For the census tract number, consult the U.S. Census Bureau's Census Tract/Street Index for 2000; for addresses not listed in the index, consult the Census Bureau's census tract outline maps. Use the maps from the Census Bureau's 2000 CPH–3 series, or equivalent 2000 census data from the Census Bureau (such as the Census TIGER/Line file) or from a private publisher.

5. Property Located Outside Metropolitan Area

For loans on property located outside the metropolitan areas in which an institution has a home or branch office, or for property located outside of any metropolitan area, the institution may choose one of the following two options. Under option one, the institution may enter the metropolitan area, state and county codes and the census tract number; and if the property is not located in any metropolitan area, it may enter ''NA'' in the metropolitan area column. (Codes exist for all states and counties and numbers exist for all census tracts.) Under this first option, the codes and census tract number must accurately identify the property location. Under the second option, which is not available if paragraph 6 applies, an institution may enter ''NA'' in all four columns, whether or not the codes or numbers exist for the property location.

6. Data Reporting for Banks and Savings Associations Required To Report Data on Small Business, Small Farm, and Community Development Lending Under the CRA Regulations

If your institution is a bank or savings association that is required to report data under the regulations that implement the CRA, you must enter the property location on your HMDA/LAR even if the property is outside metropolitan areas in which you have a home or branch office, or is not located in any metropolitan area.

7. Requests for Preapproval

Notwithstanding paragraphs 1 through 6, if the application is a request for preapproval that is denied or that is approved but not accepted by the applicant, you may enter ''NA'' in all four columns.

D. Applicant Information—Ethnicity, Race, Sex, and Income

Appendix B contains instructions for the collection of data on ethnicity, race, and sex, and also contains a sample form for data collection.

1. Applicability

Report this information for loans that you originate as well as for applications that do not result in an origination.

a. You need not collect or report this information for loans purchased. If you choose not to, use the Codes for ''not applicable.''

b. If the borrower or applicant is not a natural person (a corporation or partnership, for example), use the Codes for ''not applicable.''

2. Mail, Internet, or Telephone Applications

Any loan applications mailed to applicants or made available to applicants via the Internet must contain a collection form similar to that shown in Appendix B regarding ethnicity, race, and sex. For applications taken entirely by telephone, you may, but are not required to, request the data on ethnicity, race, and sex. If the applicant does not provide these data in an application taken by mail, Internet, or telephone, enter the code for ''information not provided by applicant in mail, Internet, or telephone application'' specified in paragraphs I.D.3., 4., and 5. (See Appendix B for complete information on the collection of these data in mail, Internet, or telephone applications.)

3. Ethnicity of Borrower or Applicant

Use the following codes to indicate the ethnicity of the applicant or borrower under column ''A'' and of any co-applicant or co-borrower under column ''CA.''

Code 1—Hispanic or Latino
Code 2—Not Hispanic or Latino
Code 3—Information not provided by applicant in mail, Internet, or telephone application
Code 4—Not applicable
Code 5—No co-applicant

4. Race of Borrower or Applicant

Use the following Codes to indicate the race of the applicant or borrower under column ''A'' and of any co-applicant or co-borrower under column ''CA.''

Code 1—American Indian or Alaska Native
Code 2—Asian
Code 3—Black or African American
Code 4—Native Hawaiian or Other Pacific Islander
Code 5—White
Code 6—Information not provided by applicant in mail, Internet, or telephone application
Code 7—Not applicable
Code 8—No co-applicant

a. If an applicant select more than one racial designation, enter all Codes corresponding to the applicant's selections.

b. Use code 4 (for ethnicity) and code 7 (for race) for ''not applicable'' only when the applicant or co-applicant is not a natural person or when applicant or co-applicant information is unavailable because the loan has been purchased by your institution.

c. If there is more than one co-applicant, provide the required information only for the first co-applicant listed on the application form. If there are no co-applicants or co-borrowers, use Code 5 (for ethnicity) and Code 8 (for race) for ''no co-applicant'' in the co-applicant column.

5. Sex of Borrower or Applicant

Use the following Codes to indicate the sex of the applicant or borrower under column ''A'' and of any co-applicant or co-borrower under column ''CA.''

Code 1—Male
Code 2—Female
Code 3—Information not provided by applicant in mail, Internet, or telephone application
Code 4—Not applicable
Code 5—No co-applicant or co-borrower

a. Use code 4 for ''not applicable'' only when the applicant or co-applicant is not a natural person or when applicant or co-applicant information is unavailable because the loan has been purchased by your institution.

b. If there is more than one co-applicant, provide the required information only for the first co-applicant listed on the application form. If there are no co-applicants or co-borrowers, use Code 5 for ''no co-applicant'' in the co-applicant column.

6. Income

Enter the gross annual income that your institution relied on in making the credit decision.

a. Round all dollar amounts to the nearest thousand (round $500 up to the next $1,000), and show in thousands. For example, report $35,500 as 36.

b. For loans on multifamily dwellings, enter ''NA.''

c. If no income information is asked for or relied on in the credit decision, enter ''NA.''

d. If the applicant or co-applicant is not a natural person or the applicant or co-applicant information is unavailable because the loan has been purchased by your institution, enter ''NA.''

E. Type of Purchaser

Enter the applicable code to indicate whether a loan that your institution originated or purchased was then sold to a secondary market entity within the same calendar year:

Code 0—Loan was not originated or was not sold in calendar year covered by register
Code 1—Fannie Mae
Code 2—Ginnie Mae
Code 3—Freddie Mac
Code 4—Farmer Mac
Code 5—Private securitization
Code 6—Commercial bank, savings bank or savings association
Code 7—Life insurance company, credit union, mortgage bank, or finance company
Code 8—Affiliate institution
Code 9—Other type of purchaser

a. Use Code 0 for applications that were denied, withdrawn, or approved but not accepted by the applicant; and for files closed for incompleteness.

b. Use Code 0 if you originated or purchased a loan and did not sell it during

that same calendar year. If you sell the loan in a succeeding year, you need not report the sale.

c. Use Code 2 if you conditionally assign a loan to Ginnie Mae in connection with a mortgage-backed security transaction.

d. Use Code 8 for loans sold to an institution affiliated with you, such as your subsidiary or a subsidiary of your parent corporation.

F. Reasons for Denial

1. You may report the reason for denial, and you may indicate up to three reasons, using the following codes. Leave this column blank if the ''action taken'' on the application is not a denial. For example, do not complete this column if the application was withdrawn or the file was closed for incompleteness.

Code 1—Debt-to-income ratio
Code 2—Employment history
Code 3—Credit history
Code 4—Collateral
Code 5—Insufficient cash (downpayment, closing costs)
Code 6—Unverifiable information
Code 7—Credit application incomplete
Code 8—Mortgage insurance denied
Code 9—Other

2. If your institution uses the model form for adverse action contained in the Appendix to Regulation B (Form C–1 in Appendix C, Sample Notification Form), use the foregoing codes as follows:

a. Code 1 for: Income insufficient for amount of credit requested, and Excessive obligations in relation to income.

b. Code 2 for: Temporary or irregular employment, and Length of employment.

c. Code 3 for: Insufficient number of credit references provided; Unacceptable type of credit references provided; No credit file; Limited credit experience; Poor credit performance with us; Delinquent past or present credit obligations with others; Garnishment, attachment, foreclosure, repossession, collection action, or judgment; and Bankruptcy.

d. Code 4 for: Value or type of collateral not sufficient.

e. Code 6 for: Unable to verify credit references; Unable to verify employment; Unable to verify income; and Unable to verify residence.

f. Code 7 for: Credit application incomplete.

g. Code 9 for: Length of residence; Temporary residence; and Other reasons specified on notice.

G. Pricing-Related Data

1. Rate Spread

a. For a home purchase loan, a refinancing, or a dwelling-secured home improvement loan that you originated, report the rate spread if the difference between the APR and the applicable Treasury yield is equal to or greater than 3 percentage points for first-lien loans or 5 percentage points for subordinate-lien loans. To determine whether the rate spread meets this threshold, use the Treasury yield for a comparable period of maturity as of the 15th day of the month preceding the month in which the application for the loan was received by the financial institution, and the annual percentage rate (APR) for the loan, as calculated and disclosed under § 226.6 or 226.18 of Regulation Z (12 CFR part 226).

b. If the loan is not subject to Regulation Z, or involves a home improvement loan that is not dwelling-secured, or involves a loan that you purchased, enter ''NA.''

c. Enter ''NA'' in the case of an application that does not result in a loan origination.

d. If the difference between the APR and the Treasury yield is less than 3 percentage points for first-lien loans and 5 percentage points for subordinate-lien loans, enter ''NA.''

e. Enter the rate spread to two decimal places, and use a leading zero. For example, enter 03.29. If the difference between the APR and the Treasury yield is a figure with more than two decimal places, round the figure or truncate the digits beyond two decimal places.

2. HOEPA Status

a. For a loan that you originated or purchased that is subject to the Home Ownership and Equity Protection Act of 1994 (HOEPA), as implemented in Regulation Z (12 CFR 226.32), because the APR or the points and fees on the loan exceed the HOEPA triggers, enter Code 1.

b. Enter code 2 in all other cases. For example, enter code 2 for a loan that you originated or purchased that is not subject to the requirements of HOEPA for any reason; also enter code 2 in the case of an application that does not result in a loan origination.

II. Federal Supervisory Agencies

A. You are strongly encouraged to submit your loan/application register via Internet e-mail. If you elect to use this method of transmission and your institution is regulated by the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, or the Office of Thrift Supervision, then you should submit your institution's files to the Internet e-mail address dedicated to that purpose by the Federal Reserve Board, which can be found on the Web site of the FFIEC. If your institution is regulated by one of the foregoing agencies and you elect to submit your data by regular mail, then use the following address: HMDA, Federal Reserve Board, Attention: HMDA Processing,(insert name of your institution's regulatory agency), 20th & Constitution Ave, NW., MS N502, Washington, DC 20551–0001.

B. If your institution is regulated by the Federal Reserve System, you should use the Internet e-mail or regular mail address of your district bank indicated on the Web site of the FFIEC. If your institution is regulated by the Department of Housing and Urban Development, then you should use the Internet e-mail or regular mail address indicated on the Web site of the FFIEC.

BILLING CODE 6210–01–P

Form FR HMDA-LAR
OMB Nos. 1557-0159 (OCC), 3064-0046 (FDIC), 1550-0021 (OTS), 7100-0247 (FRB), and 2502-0529 (HUD); NCUA number pending.

LOAN/APPLICATION REGISTER TRANSMITTAL SHEET

You must complete this transmittal sheet (please type or print) and attach it to the Loan/Application Register, required by the Home Mortgage Disclosure Act, that you submit to your supervisory agency.

Reporter's Identification Number	Agency Code	Reporter's Tax Identification Number	Total line entries contained in attached Loan/Application Register
_ _ _ _ _ _ _ _ _ _ –	_	_ _ – _ _ _ _ _ _ _	_____

The Loan/Application Register that is attached covers activity during the year_____ and contains a total of _____ pages.

Enter the name and address of your institution. The disclosure statement that is produced by the Federal Financial Institutions Examination Council will be mailed to the address you supply below:

_____
Name of Institution

_____
Address

_____
City, State, ZIP

Enter the name and address of any parent company:

_____
Name of Parent Company

_____
Address

_____
City, State, ZIP

Enter the name, telephone number, facsimile number, and e-mail address of a person who may be contacted about questions regarding your register:

Name	Telephone Number	Facsimile Number	E-Mail Address
_____	( ) _____	( ) _____	_____

An officer of your institution must complete the following section.

I certify to the accuracy of the data contained in this register.

Name of Officer	Signature	Date
_____	_____	_____

LOAN/APPLICATION REGISTER Page___of___

Name of Reporting Institution City, State, ZIP

Form FR HMDA–LAR

Reporter's Identification Number

Agency Code

All columns (except Reasons for Denial) must be completed for each entry. See the instructions for details.

Application or Loan Information								Action Taken		Property Location				Applicant Information A = Applicant CA = Co-Applicant								Other Data	
														Ethnicity		Race		Sex					
Application or Loan Number	Date Application Received (mm/dd/ccyy)	Loan Type	Property Type	Purpose	Owner Occupancy	Loan Amount in Thousands	Preapproval	Type	Date (mm/dd/ccyy)	Four-Digit Metropolitan Area Number	Two-Digit State Code	Three-Digit County Code	Six-Digit Census Tract	A	CA	A	CA	A	CA	Gross Annual Income in thousands	Type of Purchaser of Loan	Reasons for Denial (optional)	Rate Spread	HOEPA Status
Example of Loan Originated Following Preapproval LB-687439	01/15/2003	1	1	1	1	65	1	1	02/22/2003	8840	51	059	421.85	2	5	35	8	1	5	24	7		NA	2
Example of Preapproval Request Denied 567890432-1234098765	06/01/2003	1	1	1	1	125	1	7	06/20/2003	NA	NA	NA	NA	2	2	3	2	1	2	40	0	1,3	NA	2
Example of Application Denied Following Preapproval 0123456789-9876543210	03/20/2003	1	1	1	1	50	1	3	04/30/2003	0450	01	015	0021.00	1	1	5	3	2	1	30	0	4,5	NA	2
Example of Application Denied 234123789-312	02/18/2003	1	2	1	1	35	2	3	03/10/2003	6200	04	013	0015.02	2	5	5	8	2	5	20	0	2,3	NA	2

LOAN/APPLICATION REGISTER CODE SHEET

Use the following codes to complete the Loan/Application Register. The instructions to the HMDA-LAR explain the proper use of each code.

Application or Loan Information

Loan Type:
1—Conventional (any loan other than FHA, VA, FSA, or RHS loans)
2—FHA-insured (Federal Housing Administration)
3—VA-guaranteed (Veterans Administration)
4—FSA/RHS (Farm Service Agency or Rural Housing Service)

Property Type:
1—One to four-family (other than manufactured housing)
2—Manufactured housing
3—Multifamily

Purpose of Loan:
1—Home purchase
2—Home improvement
3—Refinancing

Owner-Occupancy:
1—Owner-occupied as a principal dwelling
2—Not owner-occupied
3—Not applicable

Preapproval (home purchase loan only):
1—Preapproval was requested
2—Preapproval was not requested
3—Not applicable

Action Taken:
1—Loan originated
2—Application approved but not accepted
3—Application denied by financial institution
4—Application withdrawn by applicant
5—File closed for incompleteness
6—Loan purchased by financial institution
7—Preapproval request denied by financial institution
8—Preapproval request approved but not accepted (optional reporting)

Applicant Information

Ethnicity:
1—Hispanic or Latino
2—Not Hispanic or Latino
3—Information not provided by applicant in mail, internet, or telephone application
4—Not applicable (see App. A, I.D.)
5—No co-applicant

Race:
1—American Indian or Alaska Native
2—Asian
3—Black or African American
4—Native Hawaiian or Other Pacific Islander
5—White
6—Information not provided by applicant in mail, internet, or telephone application
7—Not applicable (see App. A, I.D.)
8—No co-applicant

Sex:
1—Male
2—Female
3—Information not provided by applicant in mail, internet, or telephone application
4—Not applicable (see App. A, I.D.)
5—No co-applicant

Type of Purchaser

0—Loan was not originated or was not sold in calendar year covered by register
1—Fannie Mae
2—Ginnie Mae
3—Freddie Mac
4—Farmer Mac
5—Private securitization
6—Commercial bank, savings bank or savings association
7—Life insurance company, credit union, mortgage bank, or finance company
8—Affiliate institution
9—Other type of purchaser

Reasons for Denial (optional reporting)

1—Debt-to-income ratio
2—Employment history
3—Credit history
4—Collateral
5—Insufficient cash (downpayment, closing costs)
6—Unverifiable information
7—Credit application incomplete
8—Mortgage insurance denied
9—Other

Other Data

HOEPA Status (only for loans originated or purchased):
1—HOEPA loan
2—Not a HOEPA loan

BILLING CODE 6210–01–C

Appendix B to Part 203—Form and Instructions for Data Collection on Ethnicity, Race, and Sex

I. Instructions on Collection of Data on Ethnicity, Race, and Sex

You may list questions regarding the ethnicity, race, and sex of the applicant on your loan application form, or on a separate form that refers to the application. (See the sample form below for model language.)

II. Procedures

A. You must ask the applicant for this information (but you cannot require the applicant to provide it) whether the application is taken in person, by mail or on the Internet. When an application is taken entirely by telephone, you may, but are not required to, ask for this information.

B. Inform the applicant that the federal government requests this information in order to monitor compliance with federal statutes that prohibit lenders from discriminating against applicants on these bases. Inform the applicant that if the information is not provided where the application is taken in person, you are required to note the data on the basis of visual observation or surname.

C. You must offer the applicant the option of selecting one or more racial designations.

D. If the applicant chooses not to provide the information for an application taken in person, note this fact on the form and then note the applicant's ethnicity, race, and sex on the basis of visual observation and surname, to the extent possible.

E. If the applicant declines to answer these questions or fails to provide the information on an application taken by mail or telephone or on the Internet, the data need not be provided. In such a case, indicate that the application was received by mail, telephone, or Internet, if it is not otherwise evident on the face of the application.

BILLING CODE 6210–01–P

SAMPLE DATA-COLLECTION FORM
INFORMATION FOR GOVERNMENT MONITORING PURPOSES

The following information is requested by the federal government for certain types of loans related to a dwelling in order to monitor the lender's compliance with equal credit opportunity, fair housing, and home mortgage disclosure laws. You are not required to furnish this information, but are encouraged to do so. You may select one or more designations for "Race." The law provides that a lender may not discriminate on the basis of this information, or on whether you choose to furnish it. However, if you choose not to furnish the information and you have made this application in person, under federal regulations the lender is required to note ethnicity, race, and sex on the basis of visual observation or surname. If you do not wish to furnish the information, please check below.

APPLICANT:

☐ I do not wish to furnish this information

Ethnicity:

☐ Hispanic or Latino
☐ Not Hispanic or Latino

Race:

☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White

Sex:

☐ Female
☐ Male

CO-APPLICANT:

☐ I do not wish to furnish this information

Ethnicity:

☐ Hispanic or Latino
☐ Not Hispanic or Latino

Race:

☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White

Sex:

☐ Female
☐ Male

BILLING CODE 6210–01–C

Supplement I to Part 203—Staff Commentary

Introduction

1. *Status.* The commentary in this supplement is the vehicle by which the Division of Consumer and Community Affairs of the Federal Reserve Board issues formal staff interpretations of Regulation C (12 CFR part 203).

Section 203.1—Authority, Purpose, and Scope

1(c) *Scope.* 1. *General.* The comments in this section address issues affecting coverage of institutions and exemptions from coverage.

2. *The broker rule and the meaning of ''broker'' and ''investor.''* For the purposes of the guidance given in this commentary, an institution that takes and processes a loan application and arranges for another institution to acquire the loan at or after closing is acting as a ''broker,'' and an institution that acquires a loan from a broker at or after closing is acting as an ''investor.'' (The terms used in this commentary may have different meanings in certain parts of the mortgage lending industry, and other terms may be used in place of these terms, for example in the Federal Housing Administration mortgage insurance programs.) Depending on the facts, a broker may or may not make a credit decision on an application (and thus it may or may not have reporting responsibilities). If the broker makes a credit decision, it reports that decision; if it does not make a credit decision, it does not report. If an investor reviews an application and makes a credit decision prior to closing, the investor reports that decision. If the investor does not review the application prior to closing, it reports only the loans that it purchases; it does not report the loans it does not purchase. An institution that makes a credit decision on an application prior to closing reports that decision regardless of whose name the loan closes in.

3. *Illustrations of the broker rule.* Assume that, prior to closing, four investors receive the same application from a broker; two deny it, one approves it, and one approves it and acquires the loan. In these circumstances, the first two report denials, the third reports the transaction as approved but not accepted, and the fourth reports an origination (whether the loan closes in the name of the broker or the investor). Alternatively, assume that the broker denies a loan before sending it to an investor; in this situation, the broker reports a denial.

4. *Broker's use of investor's underwriting criteria.* If a broker makes a credit decision based on underwriting criteria set by an investor, but without the investor's review prior to closing, the broker has made the credit decision. The broker reports as an origination a loan that it approves and closes, and reports as a denial an application that it turns down (either because the application does not meet the investor's underwriting guidelines or for some other reason). The investor reports as purchases only those loans it purchases.

5. *Insurance and other criteria.* If an institution evaluates an application based on the criteria or actions of a third party other than an investor (such as a government or private insurer or guarantor), the institution must report the action taken on the application (loan originated, approved but not accepted, or denied, for example).

6. *Credit decision of agent is decision of principal.* If an institution approves loans through the actions of an agent, the institution must report the action taken on the application (loan originated, approved but not accepted, or denied, for example). State law determines whether one party is the agent of another.

7. *Affiliate bank underwriting (250.250 review).* If an institution makes an independent evaluation of the creditworthiness of an applicant (for example, as part of a preclosing review by an affiliate bank under 12 CFR 250.250, which interprets section 23A of the Federal Reserve Act), the institution is making a credit decision. If the institution then acquires the loan, it reports the loan as an origination whether the loan closes in the name of the institution or its affiliate. An institution that does not acquire the loan but takes some other action reports that action.

8. *Participation loan.* An institution that originates a loan and then sells partial interests to other institutions reports the loan as an origination. An institution that acquires only a partial interest in such a loan does not report the transaction even if it has participated in the underwriting and origination of the loan.

9. *Assumptions.* An assumption occurs when an institution enters into a written agreement accepting a new borrower as the obligor on an existing obligation. An institution reports as a home purchase loan an assumption (or an application for an assumption) in the amount of the outstanding principal. If a transaction does not involve a written agreement between a new borrower and the institution, it is not an assumption for HMDA purposes and is not reported.

Section 203.2—Definitions

2(b) *Application.* 1. *Consistency with Regulation B.* Board interpretations that appear in the official staff commentary to Regulation B (Equal Credit Opportunity, 12 CFR part 202, Supplement 1) are generally applicable to the definition of an application under Regulation C. However, under Regulation C the definition of an application does not include prequalification requests.

2. *Prequalification.* A prequalification request is a request by a prospective loan applicant (other than a request for preapproval) for a preliminary determination on whether the prospective applicant would likely qualify for credit under an institution's standards, or for a determination on the amount of credit for which the prospective applicant would likely qualify. Some institutions evaluate prequalification requests through a procedure that is separate from the institution's normal loan application process; others use the same process. In either case, Regulation C does not require an institution to report prequalification requests on the HMDA/LAR, even though these requests may constitute applications under Regulation B for purposes of adverse action notices.

3. *Requests for preapproval.* To be a covered preapproval program, the written commitment issued under the program must result from a full review of the creditworthiness of the applicant, including such verification of income, resources and other matters as is typically done by the institution as part of its normal credit evaluation program. In addition to conditions involving the identification of a suitable property and verification that no material change has occurred in the applicant's financial condition or creditworthiness, the written commitment may be subject only to other conditions (unrelated to the financial condition or creditworthiness of the applicant) that the lender ordinarily attaches to a traditional home mortgage application approval. These conditions are limited to conditions such as requiring an acceptable title insurance binder or a certificate indicating clear termite inspection, and, in the case where the applicant plans to use the proceeds from the sale of the applicant's present home to purchase a new home, a settlement statement showing adequate proceeds from the sale of the present home.

2(c) *Branch office.* 1. *Credit union.* For purposes of Regulation C, a ''branch'' of a credit union is any office where member accounts are established or loans are made, whether or not the office has been approved as a branch by a federal or state agency. (See 12 U.S.C. 1752.)

2. *Depository institution.* A branch of a depository institution does not include a loan production office, the office of an affiliate, or the office of a third party such as a loan broker. (But see Appendix A, Paragraph I.C.6, which requires certain depository institutions to report property location even for properties located outside those metropolitan areas in which the institution has a home or branch office.)

3. *Nondepository institution.* For a nondepository institution, ''branch office'' does not include the office of an affiliate or other third party such as a loan broker. (But note that certain nondepository institutions must report property location even in metropolitan areas where they do not have a physical location.)

2(d) *Dwelling.* 1. *Coverage.* The definition of ''dwelling'' is not limited to the principal or other residence of the applicant or borrower, and thus includes vacation or second homes and rental properties. A dwelling also includes a multifamily structure such as an apartment building.

2. *Exclusions.* Recreational vehicles such as boats or campers are not dwellings for purposes of HMDA. Also excluded are transitory residences such as hotels, hospitals, and college dormitories—whose occupants have principal residences elsewhere.

2(e) *Financial institution.* 1. *General.* An institution that met the test for coverage under HMDA in year 1, and then ceases to meet the test (for example, because its assets fall below the threshold on December 31 of year 2) stops collecting HMDA data beginning with year 3. Similarly, an institution that did not meet the coverage test for a given year, and then meets the test in the succeeding year, begins collecting HMDA

data in the calendar year following the year in which it meets the test for coverage. For example, a for-profit mortgage lending institution (other than a bank, savings association, or credit union) that, in year 1, falls below the thresholds specified in § 203.2(e)(2)(ii)(A) and (B), but meets one of them in year 2, need not collect data in year 2, but begins collecting data in year 3.

2. *Adjustment of exemption threshold for depository institutions.* Depository institutions with assets at or below $32 million are exempt from collecting data for 2002.

3. *Coverage after a merger.* Several scenarios of data-collection responsibilities for the calendar year of a merger are described below. Under all the scenarios, if the merger results in a covered institution, that institution must begin data collection January I of the following calendar year.

i. Two institutions are not covered by Regulation C because of asset size. The institutions merge. No data collection is required for the year of the merger (even if the merger results in a covered institution).

ii. A covered institution and an exempt institution merge. The covered institution is the surviving institution. For the year of the merger, data collection is required for the covered institution's transactions. Data collection is optional for transactions handled in offices of the previously exempt institution.

iii. A covered institution and an exempt institution merge. The exempt institution is the surviving institution, or a new institution is formed. Data collection is required for transactions of the covered institution that take place prior to the merger. Data collection is optional for transactions taking place after the merger date.

iv. Two covered institutions merge. Data collection is required for the entire year. The surviving or resulting institution files either a consolidated submission or separate submissions for that year.

4. *Originations.* HMDA coverage depends in part on whether an institution has originated home purchase loans. To determine whether activities with respect to a particular loan constitute an origination, institutions should consult, among other parts of the staff commentary, the discussion of the broker rule under §§ 203.1(c) and 203.4(a).

5. *Branches of foreign banks—treated as banks.* A federal branch or a state-licensed insured branch of a foreign bank is a ''bank'' under section 3(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)), and is covered by HMDA if it meets the tests for a depository institution found in § 203.2(e)(1) of Regulation C.

6. *Branches and offices of foreign banks—treated as for-profit mortgage lending institutions.* Federal agencies, state-licensed agencies, state-licensed uninsured branches of foreign banks, commercial lending companies owned or controlled by foreign banks, and entities operating under section 25 or 25A of the Federal Reserve Act, 12 U.S.C. 601 and 611 (Edge Act and agreement corporations) are not ''banks'' under the Federal Deposit Insurance Act. These entities are nonetheless covered by HMDA if they meet the tests for a for-profit nondepository mortgage lending institution found in § 203.2(e)(2) of Regulation C.

2(g) *Home improvement loan.* 1. Classification requirement for loans not secured by a lien on a dwelling. An institution has ''classified'' a loan that is not secured by a lien on a dwelling as a home improvement loan if it has entered the loan on its books as a home improvement loan, or has otherwise coded or identified the loan as a home improvement loan. For example, an institution that has booked a loan or reported it on a ''call report'' as a home improvement loan has classified it as a home improvement loan. An institution may also classify loans as home improvement loans in other ways (for example, by color-coding loan files).

2. *Improvements to real property.* Home improvements include improvements both to a dwelling and to the real property on which the dwelling is located (for example, installation of a swimming pool, construction of a garage, or landscaping).

3. *Commercial and other loans.* A home improvement loan may include a loan originated outside an institution's residential mortgage lending division (such as a loan to improve an apartment building made through the commercial loan department).

4. *Mixed-use property.* A loan to improve property used for residential and commercial purposes (for example, a building containing apartment units and retail space) is a home improvement loan if the loan proceeds are used primarily to improve the residential portion of the property. If the loan proceeds are used to improve the entire property (for example, to replace the heating system), the loan is a home improvement loan if the property itself is primarily residential. An institution may use any reasonable standard to determine the primary use of the property, such as by square footage or by the income generated. An institution may select the standard to apply on a case-by-case basis. If the loan is unsecured, to report the loan as a home improvement loan the institution must also have classified it as such.

5. *Multiple-category loans.* If a loan is a home improvement loan as well as a refinancing, an institution reports the loan as a home improvement loan.

2(h) *Home purchase loan.* 1. *Multiple properties.* A home purchase loan includes a loan secured by one dwelling and used to purchase another dwelling.

2. *Mixed-use property.* A dwelling-secured loan to purchase property used primarily for residential purposes (for example, an apartment building containing a convenience store) is a home purchase loan. An institution may use any reasonable standard to determine the primary use of the property, such as by square footage or by the income generated. An institution may select the standard to apply on a case-by-case basis.

3. *Farm loan.* A loan to purchase property used primarily for agricultural purposes is not a home purchase loan even if the property includes a dwelling. An institution may use any reasonable standard to determine the primary use of the property, such as by reference to the exemption from Regulation X (Real Estate Settlement Procedures, 24 CFR 3500.5(b)(1)) for a loan on property of 25 acres or more. An institution may select the standard to apply on a case-by-case basis.

4. *Commercial and other loans.* A home purchase loan may include a loan originated outside an institution's residential mortgage lending division (such as a loan for the purchase of an apartment building made through the commercial loan department).

5. *Construction and permanent financing.* A home purchase loan includes both a combined construction/permanent loan and the permanent financing that replaces a construction-only loan. It does not include a construction-only loan, which is considered ''temporary financing'' under Regulation C and is not reported.

6. *Second mortgages that finance the downpayments on first mortgages.* If an institution making a first mortgage loan to a home purchaser also makes a second mortgage loan to the same purchaser to finance part or all the home purchaser's downpayment, the institution reports each loan separately as a home purchase loan.

7. *Multiple-category loans.* If a loan is a home purchase loan as well as a home improvement loan, or a refinancing, an institution reports the loan as a home purchase loan.

Section 203.4—Compilation of Loan Data

4(a) Data Format and Itemization. 1. *Reporting requirements.*

i. An institution reports data on loans that it originated and loans that it purchased during the calendar year described in the report. An institution reports these data even if the loans were subsequently sold by the institution.

ii. An institution reports the data for loan applications that did not result in originations—for example, applications that the institution denied or that the applicant withdrew during the calendar year covered by the report.

iii. In the case of brokered loan applications or applications forwarded through a correspondent, the institution reports as originations the loans that it approved and subsequently acquired per a pre-closing arrangement (whether or not they closed in the institution's name). Additionally, the institution reports the data for all applications that did not result in originations—for example, applications that the institution denied or that the applicant withdrew during the calendar year covered by the report (whether or not they would have closed in the institution's name). For all of these loans and applications, the institution reports the required data regarding the borrower's or applicant's ethnicity, race, sex, and income.

iv. Loan originations are to be reported only once. If the institution is the loan broker or correspondent, it does not report as originations the loans that it forwarded to another lender for approval prior to closing, and that were approved and subsequently acquired by that lender (whether or not they closed in the institution's name).

v. An institution reports applications that were received in the previous calendar year but were acted upon during the calendar year covered by the current register.

vi. A financial institution submits all required data to its supervisory agency in one package, with the prescribed transmittal sheet. An officer of the institution certifies to the accuracy of the data.

vii. The transmittal sheet states the total number of line entries contained in the accompanying data transmission.

2. *Updating—agency requirements.* Certain state or federal regulations, such as the Federal Deposit Insurance Corporation's regulations, may require an institution to update its data more frequently than is required under Regulation C.

3. *Form of quarterly updating.* An institution may maintain the quarterly updates of the HMDA/LAR in electronic or any other format, provided the institution can make the information available to its regulatory agency in a timely manner upon request.

4(a)(1) Application number and application date. 1. *Application date—consistency.* In reporting the date of application, an institution reports the date the application was received or the date shown on the application. Although an institution need not choose the same approach for its entire HMDA submission, it should be generally consistent (such as by routinely using one approach within a particular division of the institution or for a category of loans).

2. *Application date—application forwarded by a broker.* For an application forwarded by a broker, an institution reports the date the application was received by the broker, the date the application was received by the institution, or the date shown on the application. Although an institution need not choose the same approach for its entire HMDA submission, it should be generally consistent (such as by routinely using one approach within a particular division of the institution or for a category of loans).

3. *Application date—reinstated application.* If, within the same calendar year, an applicant asks an institution to reinstate a counteroffer that the applicant previously did not accept (or asks the institution to reconsider an application that was denied, withdrawn, or closed for incompleteness), the institution may treat that request as the continuation of the earlier transaction or as a new transaction. If the institution treats the request for reinstatement or reconsideration as a new transaction, it reports the date of the request as the application date.

4. *Application or loan number.* An institution must ensure that each identifying number is unique within the institution. If an institution's register contains data for branch offices, for example, the institution could use a letter or a numerical code to identify the loans or applications of different branches, or could assign a certain series of numbers to particular branches to avoid duplicate numbers. Institutions are strongly encouraged not to use the applicant's or borrower's name or social security number, for privacy reasons.

5. *Application—year action taken.* An institution must report an application in the calendar year in which the institution takes final action on the application.

Paragraph 4(a)(3) Purpose.

1. *Purpose—statement of applicant.* An institution may rely on the oral or written statement of an applicant regarding the proposed use of loan proceeds. For example, a lender could use a check-box, or a purpose line, on a loan application to determine whether or not the applicant intends to use loan proceeds for home improvement purposes.

2. *Purpose—multiple-purpose loan.* If a loan is a home purchase loan as well as a home improvement loan, or a refinancing, an institution reports the loan as a home purchase loan. If a loan is a home improvement loan as well as a refinancing, an institution reports the loan as a home improvement loan.

Paragraph 4(a)(6) Occupancy.

1. *Occupancy—multiple properties.* If a loan relates to multiple properties, the institution reports the owner occupancy status of the property for which property location is being reported. (See the comments to paragraph 4(a)(9), Property location.)

Paragraph 4(a)(7) Loan amount.

1. *Loan amount—counteroffer.* If an applicant accepts a counteroffer for an amount different from the amount initially requested, the institution reports the loan amount granted. If an applicant does not accept a counteroffer or fails to respond, the institution reports the loan amount initially requested.

2. *Loan amount—multiple-purpose loan.* Except in the case of a home-equity line of credit, an institution reports the entire amount of the loan, even if only a part of the proceeds is intended for home purchase or home improvement.

3. *Loan amount—home-equity line.* An institution that has chosen to report home-equity lines of credit reports only the part that is intended for home-improvement or home-purchase purposes.

4. *Loan amount—assumption.* An institution that enters into a written agreement accepting a new party as the obligor on a loan reports the amount of the outstanding principal on the assumption as the loan amount.

Paragraph 4(a)(8) Type of action taken and date.

1. *Action taken—counteroffers.* If an institution makes a counteroffer to lend on terms different from the applicant's initial request (for example, for a shorter loan maturity or in a different amount) and the applicant does not accept the counteroffer or fails to respond, the institution reports the action taken as a denial on the original terms requested by the applicant.

2. *Action taken—rescinded transactions.* If a borrower rescinds a transaction after closing, the institution may report the transaction either as an origination or as an application that was approved but not accepted.

3. *Action taken—purchased loans.* An institution reports the loans that it purchased during the calendar year, and does not report the loans that it declined to purchase.

4. *Action taken—conditional approvals.* If an institution issues a loan approval subject to the applicant's meeting underwriting conditions (other than customary loan commitment or loan-closing conditions, such as a clear-title requirement or an acceptable property survey) and the applicant does not meet them, the institution reports the action taken as a denial.

5. *Action taken date—approved but not accepted.* For a loan approved by an institution but not accepted by the applicant, the institution reports any reasonable date, such as the approval date, the deadline for accepting the offer, or the date the file was closed. Although an institution need not choose the same approach for its entire HMDA submission, it should be generally consistent (such as by routinely using one approach within a particular division of the institution or for a category of loans).

6. *Action taken date—originations.* For loan originations, an institution generally reports the settlement or closing date. For loan originations that an institution acquires through a broker, the institution reports either the settlement or closing date, or the date the institution acquired the loan from the broker. If the disbursement of funds takes place on a date later than the settlement or closing date, the institution may use the date of disbursement. For a construction/permanent loan, the institution reports either the settlement or closing date, or the date the loan converts to the permanent financing. Although an institution need not choose the same approach for its entire HMDA submission, it should be generally consistent (such as by routinely using one approach within a particular division of the institution or for a category of loans). Notwithstanding this flexibility regarding the use of the closing date in connection with reporting the date action was taken, the year in which an origination goes to closing is the year in which the institution must report the origination.

7. *Action taken—pending applications.* An institution does not report any loan application still pending at the end of the calendar year; it reports that application on its register for the year in which final action is taken.

Paragraph 4(a)(9) Property location.

1. *Property location—multiple properties (home improvement/refinance of home improvement).* For a home improvement loan, an institution reports the property being improved. If more than one property is being improved, the institution reports the location of one of the properties or reports the loan using multiple entries on its HMDA/LAR (with unique identifiers) and allocating the loan amount among the properties.

2. *Property location—multiple properties (home purchase/refinance of home purchase).* For a home purchase loan, an institution reports the property taken as security. If an institution takes more than one property as security, the institution reports the location of the property being purchased if there is just one. If the loan is to purchase multiple properties and is secured by multiple properties, the institution reports the location of one of the properties or reports the loan using multiple entries on its HMDA/LAR (with unique identifiers) and allocating the loan amount among the properties.

3. *Property location—loans purchased from another institution.* The requirement to

report the property location by census tract in a metropolitan area where the institution has a home or branch office applies not only to loan applications and originations but also to loans purchased from another institution. This includes loans purchased from an institution that did not have a home or branch office in that metropolitan area and did not collect the property-location information.

4. *Property location—mobile or manufactured home.* If information about the potential site of a mobile or manufactured home is not available, an institution reports using the code for ''not applicable.''

Paragraph 4(a)(10) Applicant and income data.

1. *Applicant data—completion by applicant.* An institution reports the monitoring information as provided by the applicant. For example, if an applicant checks the ''Asian'' box the institution reports using the ''Asian'' code.

2. *Applicant data—completion by lender.* If an applicant fails to provide the requested information for an application taken in person, the institution reports the data on the basis of visual observation or surname.

3. *Applicant data—application completed in person.* When an applicant meets in person with a lender to complete an application that was begun by mail, Internet, or telephone, the institution must request the monitoring information. If the meeting occurs after the application process is complete, for example, at closing, the institution is not required to obtain monitoring information.

4. *Applicant data—joint applicant.* A joint applicant may enter the government monitoring information on behalf of an absent joint applicant. If the information is not provided, the institution reports using the code for ''information not provided by applicant in mail, Internet, or telephone application.''

5. *Applicant data—video and other electronic-application processes.* An institution that accepts applications through electronic media with a video component treats the applications as taken in person and collects the information about the ethnicity, race, and sex of applicants. An institution that accepts applications through electronic media without a video component (for example, the Internet or facsimile) treats the applications as accepted by mail.

6. *Income data—income relied on.* An institution reports the gross annual income relied on in evaluating the creditworthiness of applicants. For example, if an institution relies on an applicant's salary to compute a debt-to-income ratio but also relies on the applicant's annual bonus to evaluate creditworthiness, the institution reports the salary and the bonus to the extent relied upon. Similarly, if an institution relies on the income of a cosigner to evaluate creditworthiness, the institution includes this income to the extent relied upon. But an institution does not include the income of a guarantor who is only secondarily liable.

7. *Income data—co-applicant.* If two persons jointly apply for a loan and both list income on the application, but the institution relies only on the income of one applicant in computing ratios and in evaluating creditworthiness, the institution reports only the income relied on.

8. *Income data—loan to employee.* An institution may report ''NA'' in the income field for loans to its employees to protect their privacy, even though the institution relied on their income in making its credit decisions.

Paragraph 4(a)(11) Purchaser.

1. *Type of purchaser—loan-participation interests sold to more than one entity.* An institution that originates a loan, and then sells it to more than one entity, reports the ''type of purchaser'' based on the entity purchasing the greatest interest, if any. If an institution retains a majority interest, it does not report the sale.

2. *Type of purchaser—swapped loans.* Loans ''swapped'' for mortgage-backed securities are to be treated as sales; the purchaser is the type of entity receiving the loans that are swapped.

Paragraph 4(a)(12) Rate spread information.

1. *Treasury securities.* To determine the yield on a Treasury security for the pricing information, lenders may use the Board's ''Selected Interest Rates'' (statistical release H–15) or the actual auction results. Treasury auctions are held at different intervals for the different types of securities. These figures are published by major financial and metropolitan newspapers and are also available from Federal Reserve Banks. Lenders must use the yield on the security that has the nearest maturity at issuance to the loan's maturity. For example, if a lender must compare the annual percentage rate to Treasury securities with either 7-year or 10-year maturities, the annual percentage rate for a 9-year loan is compared with securities that have a 10-year maturity. If the loan maturity is exactly halfway between, the annual percentage rate is compared with the Treasury security that has the lower yield. For example, if the loan has a maturity of 20 years and comparable securities have maturities of 10 years with a yield of 6.501 percent and 30 years with a yield of 6.906 percent, the annual percentage rate is compared with the yield of 6.501 percent, the lower of the two yields.

Paragraph 4(c)(3) Optional data—home-equity lines of credit.

1. An institution that opts to report home-equity lines reports the disposition of all applications, not just originations.

Paragraph 4(d) Excluded data.

1. *Mergers, purchases in bulk, and branch acquisitions.* If a covered institution acquires loans in bulk from another institution (for example, from the receiver for a failed institution) but no merger or acquisition of the institution, or acquisition of a branch, is involved, the institution reports the loans as purchased loans.

Section 203.5(a)—Disclosure and Reporting

Paragraph 5(a) Reporting to agency.

1. *Submission of data.* Institutions submit data to their supervisory agencies in an automated, machine-readable form. The format must conform to that of the HMDA/LAR. An institution should contact its federal supervisory agency for information regarding procedures and technical specifications for automated data submission; in some cases, agencies also make software available for automated data submission. The data are edited before submission, using the edits included in the agency-supplied software or equivalent edits in software available from vendors or developed in-house.

2. *Submission in paper form.* Institutions that report twenty-five or fewer entries on their HMDA/LAR may collect and report the data in paper form. An institution that submits its register in nonautomated form sends two copies that are typed or computer printed and must use the format of the HMDA/LAR (but need not use the form itself). Each page must be numbered along with the total number of pages (for example, ''Page 1 of 3'').

3. *Procedures for entering data.* The required data are entered in the register for each loan origination, each application acted on, and each loan purchased during the calendar year. The institution should decide on the procedure it wants to follow—for example, whether to begin entering the required data, when an application is received, or to wait until final action is taken (such as when a loan goes to closing or an application is denied).

4. *Options for collection.* An institution may collect data on separate registers at different branches, or on separate registers for different loan types (such as for home purchase or home improvement loans, or for loans on multifamily dwellings). Entries need not be grouped on the register by metropolitan area, or chronologically, or by census tract numbers, or in any other particular order.

5. *Change in supervisory agency.* If the supervisory agency for a covered institution changes (as a consequence of a merger or a change in the institution's charter, for example), the institution must report data to its new supervisory agency beginning with the year of the change.

6. *Subsidiaries.* An institution is a subsidiary of a bank or savings association (for purposes of reporting HMDA data to the parent's supervisory agency) if the bank or savings association holds or controls an ownership interest that is greater than 50 percent of the institution.

7. *Transmittal sheet—additional data submissions.* If an additional data submission becomes necessary (for example, because the institution discovers that data were omitted from the initial submission, or because revisions are called for, that submission must be accompanied by a transmittal sheet.

8. *Transmittal sheet—revisions or deletions.* If a data submission involves revisions or deletions of previously submitted data, it must state the total of all line entries contained in that submission, including both those representing revisions or deletions of previously submitted entries, and those that are being resubmitted unchanged or are being submitted for the first time. Depository institutions must provide a list of the metropolitan areas in which they have home or branch offices.

Paragraph 5(b) Public disclosure of statement.

1. *Business day.* For purposes of § 203.5, a business day is any calendar day other than a Saturday, Sunday, or legal public holiday.

2. *Format.* An institution may make the disclosure statement available in paper form or, if the person requesting the data agrees, in automated form (such as by PC diskette or CD Rom).

Paragraph 5(c) Public disclosure of modified loan/application register.

1. *Format.* An institution may make the modified register available in paper or automated form (such as by PC diskette or computer tape). Although institutions are not required to make the modified register available in census tract order, they are strongly encouraged to do so in order to enhance its utility to users.

Paragraph 5(e) Notice of availability.

1. *Poster—suggested text.* An institution may use any text that meets the requirements of the regulation. Some of the federal financial regulatory agencies and HUD provide HMDA posters that an institution can use to inform the public of the availability of its HMDA data, or the institution may create its own posters. If an institution prints its own, the following language is suggested but is not required:

Home Mortgage Disclosure Act Notice

The HMDA data about our residential mortgage lending are available for review. The data show geographic distribution of loans and applications; ethnicity, race, sex, and income of applicants and borrowers; and information about loan approvals and denials. Inquire at this office regarding the locations where HMDA data may be inspected.

2. *Additional language for institutions making the disclosure statement available on request.* An institution that posts a notice informing the public of the address to which a request should be sent could include the following sentence, for example, in its general notice: ''To receive a copy of these data send a written request to [address].''

Section 203.6—Enforcement

Paragraph 6(b) Bona fide errors.

1. *Bona fide error—information from third parties.* An institution that obtains the property-location information for applications and loans from third parties (such as appraisers or vendors of ''geocoding'' services) is responsible for ensuring that the information reported on its HMDA/LAR is correct.

By order of the Board of Governors of the Federal Reserve System, February 5, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02–3323 Filed 2–14–02; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R–1120]

Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is proposing amendments to Regulation C (Home Mortgage Disclosure). This proposal relates to a final rule amending the regulation, published elsewhere in today's **Federal Register**. The issues on which the Board seeks public comment are: the appropriate price thresholds for determining the loans for which financial institutions must report loan pricing data (the spread between the annual percentage rate on a loan and the yield on comparable Treasury securities); whether the lien status of a loan should be reported; and whether lenders should be required to ask telephone applicants their ethnicity, race, and sex.

DATES: Comments must be received by April 12, 2002.

ADDRESSES: Comments should refer to Docket No. R–1120 and be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by e-mail to *regs.comments@federalreserve.gov*, or faxing them to the Office of the Secretary at 202–452–3819 or 202–452–3102. Comments addressed to Ms. Johnson may also be delivered to the Board's mail facility in the West Courtyard between 8:45 a.m. and 5:15 p.m., located on 21st Street between Constitution Avenue and C Street, NW. Members of the public may inspect comments in Room MP–500 between 9 a.m. and 5 p.m. on weekdays pursuant to § 261.12, except as provided in § 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Counsel, Kathleen C. Ryan, Senior Attorney, or Dan S. Sokolov, Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–3667 or (202) 452–2412. For users of Telecommunications Device for the Deaf (TDD) *only*, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

The Home Mortgage Disclosure Act (HMDA) requires certain depository and for-profit nondepository institutions to collect, report, and publicly disclose data about originations and purchases of home mortgage and home improvement loans. Institutions must also report data about applications that do not result in originations. The Board's Regulation C implements HMDA.

The Board began a review of Regulation C in March 1998 by publishing an Advance Notice of Proposed Rulemaking (63 FR 12329, March 12, 1998). In December 2000, the Board published for public comment a proposed rule to amend Regulation C (65 FR 78656, December 15, 2000). After analyzing the comments on the proposal, the Board has adopted a final rule amending the regulation, published elsewhere in today's **Federal Register**. The Board is soliciting additional public comment on certain matters.

II. Solicitation of Comment and Proposed Amendments

Thresholds for Reporting Loan Pricing Data

In the final rule amending Regulation C published elsewhere in today's **Federal Register**, the Board adopted a requirement that institutions report the spread between the annual percentage rate (APR) of a loan and the yield on Treasury securities of comparable maturity, for loan originations in which the spread exceeds a specified threshold.

In the final rule, the Board tentatively set a reporting threshold of 3 percentage points above the yield on comparable Treasury securities for first lien loans and 5 percentage points for subordinate lien loans (which generally have a higher APR). The thresholds are intended to ensure, to the extent possible, that pricing data for higher cost loans are collected and disclosed. The Board is soliciting comment on the appropriate thresholds before it finalizes them. Information on the following specific issues and questions would be particularly useful to the Board.

The APR spread is determined by the difference between the APR on the loan as of the origination date and the yield on the Treasury note of comparable maturity as of the 15th day of the month preceding the month in which the application for the loan was received. *See* 12 CFR 203.4(a)(12). This is the rule used for determining HOEPA coverage. Are there more appropriate dates for determining the APR spread?

Comments are requested on the proportion of loan originations (by number of loans) reported under HMDA that would fall above and below various thresholds, segregated by risk class (for example, A, A-minus, and B) and lien status. Commenters also are asked to identify circumstances or special credit products that might be particularly subject to misclassification, as loans associated with a higher credit risk than prime loans, should the proposed thresholds be implemented. For example, are there product lines in which loans with very little credit risk nonetheless have high APRs? Alternatively, are there product lines in which loans with relatively high credit risk nonetheless have low APRs?

There is a 2 percentage point difference between the proposed thresholds for first and junior lien loans. The Board seeks comment on the appropriate difference.

The Board intends to finalize the thresholds for reporting loan pricing information by mid-year 2002.

Lien Status

The Board solicited comment in its December 2000 proposal on all aspects of the proposed changes and on any other issues that might warrant further review. A number of commenters recommended that the Board require lenders to report the lien status and type of interest rate on a loan, along with other items of data. Other commenters, including a federal agency, said that information on lien status would be useful in interpreting other loan information such as the APR.

The Board proposes to require lenders to report lien status for all originated loans and applications, but not for purchased loans. Interest rates, and therefore APRs, vary according to lien status; rates on first lien loans are generally lower than rates on subordinate lien or unsecured loans. The Board believes lien status would be useful in interpreting the loan pricing data that will be required under the final rule amending Regulation C, as discussed above and in the Board's final rule. In addition, the reporting of lien status would make the data on home improvement lending more useful, as it would distinguish dwelling-secured from non-dwelling-secured home improvement loans (which are treated differently for HMDA reporting).

The proposal would require institutions to report whether a loan is or would be (1) secured by a first lien on a dwelling, (2) secured by a subordinate lien on a dwelling, or (3) not secured by a lien on a dwelling. The Board solicits comment on these

reporting categories. To limit reporting burden, the Board is not proposing to require lien status to be reported for purchased loans. The Board also solicits comment, however, on whether reporting of lien status should be required for purchased loans.

The proposed amendments to Appendix A set forth below do not contain a proposed revision of the HMDA/LAR form or the accompanying Code Sheet. If the Board adopts the proposal, a section will be added to the Code Sheet, showing the same codes for lien status as set forth below in proposed Appendix A, paragraph I.H.; and a column will be added to the HMDA/LAR form for entering the code for lien status.

Requesting Applicant Information in Telephone Applications

In the December 2000 proposal, the Board proposed to revise Appendix B to Regulation C to codify a longstanding interpretation. Under that interpretation, if an application is made entirely by telephone, the reporting institution is permitted, but not required, to request data on race, ethnicity, and sex. Many commenters expressed concern that this interpretation may have contributed to declining overall response rates to these questions. From 1993 to 2000, the proportion of home loan applications of all types with missing race or ethnicity data increased from about 8 percent to about 28 percent. Missing data about the applicant's sex have increased at about the same rate. It is not clear what proportion of this missing information is attributable to telephone applications. Applicants by mail and internet may have declined to provide the information, even though asked, as required, by the lender. At least part of the substantial decline in response rates regarding race and ethnicity, however, may be explained by the apparent increase in lenders' use of the telephone to take applications.

The Board proposes, therefore, to conform the telephone application rule to the rule applicable to mail and internet applications. Under the proposed rule, lenders would be required to request this information from telephone applicants. If an applicant chose not to provide the information, then the lender would enter the existing code indicating that the application was taken by telephone, mail, or internet. Under the prescribed formulation given in Appendix B, loan applicants must be advised that the collection of information about race, ethnicity, and sex is mandated by the federal government to assist in the enforcement of fair lending laws. In addition, applicants must be advised that the lenders are prohibited from discriminating on the basis of the information provided, or on the basis of the applicant's choosing to provide or not provide the information. The Board solicits comment on the benefits and burdens of this proposal.

III. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board has reviewed the proposed revisions under the authority delegated to the Board by the Office of Management and Budget (OMB). The Federal Reserve may not conduct or sponsor, and an organization is not required to respond to, this information collection unless it displays a currently valid OMB control number. The OMB control number is 7100–0247 for the Federal Reserve's information collection under Regulation C.

The mandatory collection of information that would be revised by this rulemaking is found in 12 CFR part 203, which implements 12 U.S.C. 2801–2810. Public officials use this information to determine whether financial institutions are serving the housing needs of their communities; to help target public investment to promote private investment where it is needed; and to identify possible discriminatory lending patterns for enforcement of anti-discrimination statutes.

The respondents are all types of financial institutions that meet the tests for coverage under the regulation. Depository institutions with offices in metropolitan areas whose assets are below an asset size threshold that adjusts yearly (currently $32 million) are not required to comply. Under the Paperwork Reduction Act the Federal Reserve accounts for the burden of the paperwork associated with the regulation only for state member banks, their subsidiaries, subsidiaries of bank holding companies, U.S. branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601–604a; 611–631). Other federal agencies account for the paperwork burden for the institutions they supervise. Respondents must maintain their HMDA–LARs and modified HMDA–LARs for three years and their disclosure statements for five years.

For a discussion of the current estimated annual burden for this information collection, refer to the Paperwork Reduction Act statement contained in the notice of the final amendments to Regulation C set forth elsewhere in today's **Federal Register**. That statement also contains estimates of the increases in cost burdens attributable to the Federal Reserve's amendments to Regulation C, including both the final amendments and these proposed amendments. The cost burdens attributable to the proposed amendments are likely small relative to the total increase in burden for all of the amendments. The Federal Reserve solicits comment, however, on the incremental burden associated with (1) various thresholds for determining the loans for which institutions must report loan pricing data; (2) collecting and reporting information on lien status; and (3) requesting ethnicity, race, and sex in telephone applications.

The Board's Legal Division has determined that HMDA data collection and reporting are required by law; completion of the loan/application register, submission to the Federal Reserve, and disclosure to the public upon request are mandatory. After the data are redacted as required by the statute and regulation, they are made publicly available and are not considered confidential. Data that the regulation requires be redacted (loan number, date application received, and date action taken) are given confidential treatment under exemption 6 of the Freedom of Information Act (5 U.S.C. 552(b)(6)).

The Paperwork Reduction Act requires that the Board solicit comment on: (a) Whether the proposed revised collection of information is necessary for the proper performance of the Federal Reserve's functions, including whether the information has practical utility; (b) the accuracy of the Federal Reserve's estimate of the burden of the proposed revised information collection, including the cost of compliance; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology. Comments on the collection of information should be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551; and the Office of Management and Budget, Paperwork Reduction Project (7100–0247), Washington, DC 20530.

IV. Regulatory Flexibility Analysis

In accordance with section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 604(a)), the Board has prepared a regulatory analysis of the amendments to Regulation C, including the final amendments set forth elsewhere in today's **Federal Register** and these proposed amendments. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–3245. A summary of the analysis follows.

The proposal is a consequence of Board policy to review its regulations periodically and a desire to update the regulation to reflect mortgage markets more clearly, enhance consumer protection, and comply with new guidance from the Office of Management and Budget concerning collection of data on ethnicity and race by federal agencies.

The changes in the proposal would require more data on certain covered transactions. Some of the changes would affect all institutions currently within the scope of the regulation, including covered small institutions; others would affect only certain institutions, depending upon the interest rates and fees they charge and whether they accept applications by telephone.

It is difficult to quantify the benefits and costs associated with the proposed rule. The new information will provide data to help identify possible discriminatory lending patterns and assist regulators in conducting examinations under the Community Reinvestment Act and other laws. Additional data on covered transactions would allow for more precise differentiation among loan products and reduce the potential bias that results when dissimilar loan products are jointly classified. The data would also help inform the public about developments in the mortgage market by revealing pricing information on higher-cost home loans. More complete data about applicant characteristics in telephone applications would improve fair lending analysis.

Although the proposed rule will offer a number of benefits, it also will require covered lenders, including small institutions, to change their current procedures and systems for collecting and reporting required data.

List of Subjects in 12 CFR Part 203

Banks, Banking, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements.

Text of Proposed Revisions

Certain conventions have been used to highlight the proposed revisions. New language is shown inside arrows, while language that would be deleted is set off in brackets.

For the reasons set forth in the preamble, the Board proposes to amend 12 CFR part 203 as follows:

PART 203—HOME MORTGAGE DISCLOSURE (REGULATION C)

1. The authority citation for part 203 would continue to read as follows:

Authority: 12 U.S.C. 2801–2810.

2. Section 203.4 would be amended by adding a new paragraph (a)(14), to read as follows:

§ 203.4 Compilation of loan data.

(a) *Data format and itemization.*

* * *

➧(14) The lien status of the loan (first lien, subordinate lien, or not secured by a lien on a dwelling).➧

* * * * *

3. Appendix A would be amended by revising paragraph I.D.2. and adding a new paragraph I.H., to read as follows:

Appendix A to Part 203—Form and Instructions for Completion of HMDA Loan/Application Register

* * * * *

I. Instructions For Completion of Loan/Application Register

* * * * *

D. Applicant Information—Ethnicity, Race, Sex, and Income.

* * * * *

2. *Mail, Internet, or Telephone Applications.* [Any loan applications mailed to applicants or made available to applicants via the internet must contain a collection form similar to that shown in Appendix B regarding ethnicity, race, and sex. For applications taken entirely by telephone, you may, but are not required to, request the data on ethnicity, race, and sex.] ➧All loan applications, including applications taken by telephone, mail, and internet, must use a collection form similar to that shown in Appendix B regarding ethnicity, race, and sex. For applications taken by telephone, the information in the collection form must be stated orally by the lender, as applicable.➧ If the applicant does not provide these data in an application taken by mail or telephone or on the internet, enter the code for ''information not provided by applicant in mail, internet, or telephone application'' specified in paragraphs I.D.3., 4., and 5. (See Appendix B for complete information on the collection of these data in mail, internet, or telephone applications.)

* * * * *

➧H. Lien Status. Use the following codes for applications and loans that you originate:

Code 1—Secured by a first lien on a dwelling.
Code 2—Secured by a subordinate lien on a dwelling.
Code 3—Not secured by a lien on a dwelling.
Code 4—Not applicable (purchased loan).➧

* * * * *

4. Appendix B would be amended by revising paragraph II.A., to read as follows:

Appendix B to Part 203—Form and Instructions for Data Collection on Ethnicity, Race, and Sex

* * * * *

II. Procedures

A. You must ask the applicant for this information (but you cannot require the applicant to provide it) whether the application is taken in person, by mail ➧or telephone,➧ or on the internet. [When an application is taken entirely by telephone, you may, but are not required to, ask for this information.]

* * * * *

By order of the Board of Governors of the Federal Reserve System, February 6, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02–3322 Filed 2–14–02; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R–1120]

Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is proposing amendments to Regulation C (Home Mortgage Disclosure). This proposal relates to a final rule amending the regulation, published elsewhere in today's **Federal Register**. The issues on which the Board seeks public comment are: the appropriate price thresholds for determining the loans for which financial institutions must report loan pricing data (the spread between the annual percentage rate on a loan and the yield on comparable Treasury securities); whether the lien status of a loan should be reported; and whether lenders should be required to ask telephone applicants their ethnicity, race, and sex.

DATES: Comments must be received by April 12, 2002.

ADDRESSES: Comments should refer to Docket No. R–1120 and be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by e-mail to *regs.comments@federalreserve.gov*, or faxing them to the Office of the Secretary at 202–452–3819 or 202–452–3102. Comments addressed to Ms. Johnson may also be delivered to the Board's mail facility in the West Courtyard between 8:45 a.m. and 5:15 p.m., located on 21st Street between Constitution Avenue and C Street, NW. Members of the public may inspect comments in Room MP–500 between 9 a.m. and 5 p.m. on weekdays pursuant to § 261.12, except as provided in § 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Counsel, Kathleen C. Ryan, Senior Attorney, or Dan S. Sokolov, Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–3667 or (202) 452–2412. For users of Telecommunications Device for the Deaf (TDD) *only*, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

The Home Mortgage Disclosure Act (HMDA) requires certain depository and for-profit nondepository institutions to collect, report, and publicly disclose data about originations and purchases of home mortgage and home improvement loans. Institutions must also report data about applications that do not result in originations. The Board's Regulation C implements HMDA.

The Board began a review of Regulation C in March 1998 by publishing an Advance Notice of Proposed Rulemaking (63 FR 12329, March 12, 1998). In December 2000, the Board published for public comment a proposed rule to amend Regulation C (65 FR 78656, December 15, 2000). After analyzing the comments on the proposal, the Board has adopted a final rule amending the regulation, published elsewhere in today's **Federal Register**. The Board is soliciting additional public comment on certain matters.

II. Solicitation of Comment and Proposed Amendments

Thresholds for Reporting Loan Pricing Data

In the final rule amending Regulation C published elsewhere in today's **Federal Register**, the Board adopted a requirement that institutions report the spread between the annual percentage rate (APR) of a loan and the yield on Treasury securities of comparable maturity, for loan originations in which the spread exceeds a specified threshold.

In the final rule, the Board tentatively set a reporting threshold of 3 percentage points above the yield on comparable Treasury securities for first lien loans and 5 percentage points for subordinate lien loans (which generally have a higher APR). The thresholds are intended to ensure, to the extent possible, that pricing data for higher cost loans are collected and disclosed. The Board is soliciting comment on the appropriate thresholds before it finalizes them. Information on the following specific issues and questions would be particularly useful to the Board.

The APR spread is determined by the difference between the APR on the loan as of the origination date and the yield on the Treasury note of comparable maturity as of the 15th day of the month preceding the month in which the application for the loan was received. *See* 12 CFR 203.4(a)(12). This is the rule used for determining HOEPA coverage. Are there more appropriate dates for determining the APR spread?

Comments are requested on the proportion of loan originations (by number of loans) reported under HMDA that would fall above and below various thresholds, segregated by risk class (for example, A, A-minus, and B) and lien status. Commenters also are asked to identify circumstances or special credit products that might be particularly subject to misclassification, as loans associated with a higher credit risk than prime loans, should the proposed thresholds be implemented. For example, are there product lines in which loans with very little credit risk nonetheless have high APRs? Alternatively, are there product lines in which loans with relatively high credit risk nonetheless have low APRs?

There is a 2 percentage point difference between the proposed thresholds for first and junior lien loans. The Board seeks comment on the appropriate difference.

The Board intends to finalize the thresholds for reporting loan pricing information by mid-year 2002.

Lien Status

The Board solicited comment in its December 2000 proposal on all aspects of the proposed changes and on any other issues that might warrant further review. A number of commenters recommended that the Board require lenders to report the lien status and type of interest rate on a loan, along with other items of data. Other commenters, including a federal agency, said that information on lien status would be useful in interpreting other loan information such as the APR.

The Board proposes to require lenders to report lien status for all originated loans and applications, but not for purchased loans. Interest rates, and therefore APRs, vary according to lien status; rates on first lien loans are generally lower than rates on subordinate lien or unsecured loans. The Board believes lien status would be useful in interpreting the loan pricing data that will be required under the final rule amending Regulation C, as discussed above and in the Board's final rule. In addition, the reporting of lien status would make the data on home improvement lending more useful, as it would distinguish dwelling-secured from non-dwelling-secured home improvement loans (which are treated differently for HMDA reporting).

The proposal would require institutions to report whether a loan is or would be (1) secured by a first lien on a dwelling, (2) secured by a subordinate lien on a dwelling, or (3) not secured by a lien on a dwelling. The Board solicits comment on these

reporting categories. To limit reporting burden, the Board is not proposing to require lien status to be reported for purchased loans. The Board also solicits comment, however, on whether reporting of lien status should be required for purchased loans.

The proposed amendments to Appendix A set forth below do not contain a proposed revision of the HMDA/LAR form or the accompanying Code Sheet. If the Board adopts the proposal, a section will be added to the Code Sheet, showing the same codes for lien status as set forth below in proposed Appendix A, paragraph I.H.; and a column will be added to the HMDA/LAR form for entering the code for lien status.

Requesting Applicant Information in Telephone Applications

In the December 2000 proposal, the Board proposed to revise Appendix B to Regulation C to codify a longstanding interpretation. Under that interpretation, if an application is made entirely by telephone, the reporting institution is permitted, but not required, to request data on race, ethnicity, and sex. Many commenters expressed concern that this interpretation may have contributed to declining overall response rates to these questions. From 1993 to 2000, the proportion of home loan applications of all types with missing race or ethnicity data increased from about 8 percent to about 28 percent. Missing data about the applicant's sex have increased at about the same rate. It is not clear what proportion of this missing information is attributable to telephone applications. Applicants by mail and internet may have declined to provide the information, even though asked, as required, by the lender. At least part of the substantial decline in response rates regarding race and ethnicity, however, may be explained by the apparent increase in lenders' use of the telephone to take applications.

The Board proposes, therefore, to conform the telephone application rule to the rule applicable to mail and internet applications. Under the proposed rule, lenders would be required to request this information from telephone applicants. If an applicant chose not to provide the information, then the lender would enter the existing code indicating that the application was taken by telephone, mail, or internet. Under the prescribed formulation given in Appendix B, loan applicants must be advised that the collection of information about race, ethnicity, and sex is mandated by the federal government to assist in the enforcement of fair lending laws. In addition, applicants must be advised that the lenders are prohibited from discriminating on the basis of the information provided, or on the basis of the applicant's choosing to provide or not provide the information. The Board solicits comment on the benefits and burdens of this proposal.

III. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board has reviewed the proposed revisions under the authority delegated to the Board by the Office of Management and Budget (OMB). The Federal Reserve may not conduct or sponsor, and an organization is not required to respond to, this information collection unless it displays a currently valid OMB control number. The OMB control number is 7100–0247 for the Federal Reserve's information collection under Regulation C.

The mandatory collection of information that would be revised by this rulemaking is found in 12 CFR part 203, which implements 12 U.S.C. 2801–2810. Public officials use this information to determine whether financial institutions are serving the housing needs of their communities; to help target public investment to promote private investment where it is needed; and to identify possible discriminatory lending patterns for enforcement of anti-discrimination statutes.

The respondents are all types of financial institutions that meet the tests for coverage under the regulation. Depository institutions with offices in metropolitan areas whose assets are below an asset size threshold that adjusts yearly (currently $32 million) are not required to comply. Under the Paperwork Reduction Act the Federal Reserve accounts for the burden of the paperwork associated with the regulation only for state member banks, their subsidiaries, subsidiaries of bank holding companies, U.S. branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601–604a; 611–631). Other federal agencies account for the paperwork burden for the institutions they supervise. Respondents must maintain their HMDA–LARs and modified HMDA–LARs for three years and their disclosure statements for five years.

For a discussion of the current estimated annual burden for this information collection, refer to the Paperwork Reduction Act statement contained in the notice of the final amendments to Regulation C set forth elsewhere in today's **Federal Register**. That statement also contains estimates of the increases in cost burdens attributable to the Federal Reserve's amendments to Regulation C, including both the final amendments and these proposed amendments. The cost burdens attributable to the proposed amendments are likely small relative to the total increase in burden for all of the amendments. The Federal Reserve solicits comment, however, on the incremental burden associated with (1) various thresholds for determining the loans for which institutions must report loan pricing data; (2) collecting and reporting information on lien status; and (3) requesting ethnicity, race, and sex in telephone applications.

The Board's Legal Division has determined that HMDA data collection and reporting are required by law; completion of the loan/application register, submission to the Federal Reserve, and disclosure to the public upon request are mandatory. After the data are redacted as required by the statute and regulation, they are made publicly available and are not considered confidential. Data that the regulation requires be redacted (loan number, date application received, and date action taken) are given confidential treatment under exemption 6 of the Freedom of Information Act (5 U.S.C. 552(b)(6)).

The Paperwork Reduction Act requires that the Board solicit comment on: (a) Whether the proposed revised collection of information is necessary for the proper performance of the Federal Reserve's functions, including whether the information has practical utility; (b) the accuracy of the Federal Reserve's estimate of the burden of the proposed revised information collection, including the cost of compliance; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology. Comments on the collection of information should be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551; and the Office of Management and Budget, Paperwork Reduction Project (7100–0247), Washington, DC 20530.

IV. Regulatory Flexibility Analysis

In accordance with section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 604(a)), the Board has prepared a regulatory analysis of the amendments to Regulation C, including the final amendments set forth elsewhere in today's **Federal Register** and these proposed amendments. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–3245. A summary of the analysis follows.

The proposal is a consequence of Board policy to review its regulations periodically and a desire to update the regulation to reflect mortgage markets more clearly, enhance consumer protection, and comply with new guidance from the Office of Management and Budget concerning collection of data on ethnicity and race by federal agencies.

The changes in the proposal would require more data on certain covered transactions. Some of the changes would affect all institutions currently within the scope of the regulation, including covered small institutions; others would affect only certain institutions, depending upon the interest rates and fees they charge and whether they accept applications by telephone.

It is difficult to quantify the benefits and costs associated with the proposed rule. The new information will provide data to help identify possible discriminatory lending patterns and assist regulators in conducting examinations under the Community Reinvestment Act and other laws. Additional data on covered transactions would allow for more precise differentiation among loan products and reduce the potential bias that results when dissimilar loan products are jointly classified. The data would also help inform the public about developments in the mortgage market by revealing pricing information on higher-cost home loans. More complete data about applicant characteristics in telephone applications would improve fair lending analysis.

Although the proposed rule will offer a number of benefits, it also will require covered lenders, including small institutions, to change their current procedures and systems for collecting and reporting required data.

List of Subjects in 12 CFR Part 203

Banks, Banking, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements.

Text of Proposed Revisions

Certain conventions have been used to highlight the proposed revisions. New language is shown inside arrows, while language that would be deleted is set off in brackets.

For the reasons set forth in the preamble, the Board proposes to amend 12 CFR part 203 as follows:

PART 203—HOME MORTGAGE DISCLOSURE (REGULATION C)

1. The authority citation for part 203 would continue to read as follows:

Authority: 12 U.S.C. 2801–2810.

2. Section 203.4 would be amended by adding a new paragraph (a)(14), to read as follows:

§ 203.4 Compilation of loan data.

(a) *Data format and itemization.*

* * *

➧(14) The lien status of the loan (first lien, subordinate lien, or not secured by a lien on a dwelling).➧

* * * * *

3. Appendix A would be amended by revising paragraph I.D.2. and adding a new paragraph I.H., to read as follows:

Appendix A to Part 203—Form and Instructions for Completion of HMDA Loan/Application Register

* * * * *

I. Instructions For Completion of Loan/Application Register

* * * * *

D. Applicant Information—Ethnicity, Race, Sex, and Income.

* * * * *

2. *Mail, Internet, or Telephone Applications.* [Any loan applications mailed to applicants or made available to applicants via the internet must contain a collection form similar to that shown in Appendix B regarding ethnicity, race, and sex. For applications taken entirely by telephone, you may, but are not required to, request the data on ethnicity, race, and sex.] ➧All loan applications, including applications taken by telephone, mail, and internet, must use a collection form similar to that shown in Appendix B regarding ethnicity, race, and sex. For applications taken by telephone, the information in the collection form must be stated orally by the lender, as applicable.➧ If the applicant does not provide these data in an application taken by mail or telephone or on the internet, enter the code for ''information not provided by applicant in mail, internet, or telephone application'' specified in paragraphs I.D.3., 4., and 5. (See Appendix B for complete information on the collection of these data in mail, internet, or telephone applications.)

* * * * *

➧H. Lien Status. Use the following codes for applications and loans that you originate:

Code 1—Secured by a first lien on a dwelling.
Code 2—Secured by a subordinate lien on a dwelling.
Code 3—Not secured by a lien on a dwelling.
Code 4—Not applicable (purchased loan).➧

* * * * *

4. Appendix B would be amended by revising paragraph II.A., to read as follows:

Appendix B to Part 203—Form and Instructions for Data Collection on Ethnicity, Race, and Sex

* * * * *

II. Procedures

A. You must ask the applicant for this information (but you cannot require the applicant to provide it) whether the application is taken in person, by mail ➧or telephone,➧ or on the internet. [When an application is taken entirely by telephone, you may, but are not required to, ask for this information.]

* * * * *

By order of the Board of Governors of the Federal Reserve System, February 6, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02–3322 Filed 2–14–02; 8:45 am]

BILLING CODE 6210–01–P

Federal Register

Friday,
February 15, 2002

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 5

Federal Acquisition Regulation; Electronic Listing of Acquisition Vehicles Available for Use By More Than One Agency; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 5

[FAR Case 2001–030]

RIN 9000–AJ30

Federal Acquisition Regulation; Electronic Listing of Acquisition Vehicles Available for Use By More Than One Agency

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Federal Acquisition Regulatory Council is proposing to amend the Federal Acquisition Regulation (FAR) to require contracting activities to input information online for Governmentwide acquisition contracts, multi-agency contracts, General Services Administration (GSA)Federal Supply Schedule (FSS) contracts, blanket purchase agreements (BPAs) under FSS contracts, and other procurement instruments intended for multiple agency use.

DATES: Interested parties should submit comments in writing on or before April 16, 2002 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, ATTN: Laurie Duarte, Washington, DC 20405.

Submit electronic comments via the Internet to: *farcase.2001–030@gsa.gov.*

Please submit comments only and cite FAR case 2001–030 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 2001–030.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule adds a new FAR subpart to provide contracting officers and program managers an online source of information on contracts intended for multiple agency use. The proposed rule adds a new FAR Subpart 5.6,Publicizing Multi-Agency Use Contracts, that—

(1) Provides the Internet address to access the database;

(2) Requires contracting activities to enter information into the database within ten days of award of a procurement instrument intended for use by multiple agencies; and

(3) Requires contracting activities to enter information into the database by a specific date on all existing contracts and other procurement instruments intended for multiple agency use.

Information about Governmentwide acquisition contracts(GWACs), multi-agency contracts, General ServicesAdministration (GSA), Federal Supply Schedule (FSS) contracts, blanket purchase agreements (BPAs) under FSS contracts, and other procurement instruments intended for multiple agency use will be available via the Internet at *http://www.arnet.gov/gwac/govwide.html.*

Proposed definitions of Governmentwide acquisition contract (GWAC) and multi-agency contract may be found in proposed rule 1999–303, Task-Order and Delivery-Order Contracts, which was published in the **Federal Register** at 66 FR 44518, August 23, 2001.

''Blanket purchase agreements'' under GSA FSS contracts are agreements to fill repetitive needs for supplies or services. In accordance with guidance issued by the GSA Federal Supply Service, BPAs must identify all users when the BPA is established.

While the new subpart is currently proposed for FAR part 5, consideration is being given to alternatively identifying the database in FAR part 7, to indicate its potential use in acquisition planning, with the requirements to populate the database called out in FAR part 4 where other contract reporting requirements are identified. We encourage comments regarding placement of the new language.

Specific data elements that pertain to a particular procurement instrument will be listed on the web site to facilitate order placement. The specific data elements that are currently being considered for inclusion on that list are provided below for the purpose of generating public comments and recommendations that we will use in constructing this database:

Basic Information About the Procurement Instrument

(1) Program name and acronym [searchable].

(2) Procurement instrument number [searchable].

(3) Type of procurement instrument [with drop down box that includes Governmentwide acquisition contract (GWAC), multi-agency contract, FSS contract, BPA under FSS contract, other].

(4) Contractor.

(5) North American Industrial Classification (NAICS) code[searchable].

(6) Federal supply or service code [searchable].

(7) Brief description of supplies and services[searchable].

(8) Applicable socio-economic information [with a drop down box and instruction to ''check all that apply'' followed by Small Business, Emerging Small Business, Small Disadvantaged Business, 8(a), Very Small Business, Woman-Owned Small Business, HUBZone, Veteran-Owned Small Business,Service-Disabled Veteran-Owned Small Business, HistoricallyBlack Colleges and Universities, Minority Institution, LargeBusiness, Other].

(9) Government web site address where contract or program information is located (if available).

Basic Information on Placing Orders

(10) Agencies that may place orders.

(11) Date through which agencies may place orders.

(12) Statutory authority for placing orders [with a drop down box to include—

(a) Clinger-Cohen GWAC authority;

(b) Economy Act, including Clinger-Cohen multi-agency contract authority;

(c) Other statutory authority not subject to the Economy Act (specify authority)].

(13) Ordering procedures, unless included at the web site in (9) above.

(14) List of administrative fees.

Other Basic Information

(15) Agency or activity that awarded the procurement instrument [searchable].

(16) Activity point of contact/telephone number/e-mail address.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of ExecutiveOrder 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 Council does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory FlexibilityAct, 5 U.S.C. 601, *et seq.* The establishment of an online database as

a tool to collect information and facilitate it being readily available to Government officials is a matter of internal Government operating procedure. This rule requires contracting activities to enter data into the database and provides the Internet address for Government officials to access the database. An Initial RegulatoryFlexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. We will consider comments from small entities concerning the affected FAR Part 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 2001–030), 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 Part 5

Government procurement.

Dated: February 12, 2002.

Al Matera,

Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA propose amending 48 CFR part 5 as set forth below:

PART 5—PUBLICIZING CONTRACT ACTIONS

1. The authority citation for 48 CFR part 5 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and42 U.S.C. 2473(c).

2. Add Subpart 5.6 to read as follows:

Subpart 5.6—Publicizing Multi-Agency Use Contracts

5.601 Governmentwide database of contracts.

(a) A Governmentwide database of contracts and other procurement instruments intended for use by multiple agencies is available via the Internet at *http://www.arnet.gov/gwac/govwide.html.* This searchable database is a tool that may be used to identify existing contracts and other procurement instruments that may be used to fulfill Government needs.

(b) The contracting activity must enter, via the Internet, the information specified at *http://www.arnet.gov/gwac/govwide.html,* in accordance with the instructions on that web site, within ten days of award of a Governmentwide acquisition contract (GWAC), multi-agency contract, General Services Administration (GSA) Federal Supply Schedule (FSS) contract, blanket purchase agreement (BPA) under FSS contract, or any other procurement instrument intended for use by multiple agencies.

(c) The contracting activity must enter, via the Internet, the information specified at *http://www.arnet.gov/gwac/govwide.html,* in accordance with the instructions on that web site, for all existing contracts and other procurement instruments intended for use by multiple agencies by [*date to be determined*].

[FR Doc. 02–3786 Filed 2–14–02; 8:45 am]

BILLING CODE 6820–EP–P

Federal Register

Friday,
February 15, 2002

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 5

Federal Acquisition Regulation; Electronic Listing of Acquisition Vehicles Available for Use By More Than One Agency; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 5

[FAR Case 2001–030]

RIN 9000–AJ30

Federal Acquisition Regulation; Electronic Listing of Acquisition Vehicles Available for Use By More Than One Agency

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Federal Acquisition Regulatory Council is proposing to amend the Federal Acquisition Regulation (FAR) to require contracting activities to input information online for Governmentwide acquisition contracts, multi-agency contracts, General Services Administration (GSA)Federal Supply Schedule (FSS) contracts, blanket purchase agreements (BPAs) under FSS contracts, and other procurement instruments intended for multiple agency use.

DATES: Interested parties should submit comments in writing on or before April 16, 2002 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, ATTN: Laurie Duarte, Washington, DC 20405.

Submit electronic comments via the Internet to: *farcase.2001–030@gsa.gov.*

Please submit comments only and cite FAR case 2001–030 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 2001–030.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule adds a new FAR subpart to provide contracting officers and program managers an online source of information on contracts intended for multiple agency use. The proposed rule adds a new FAR Subpart 5.6,Publicizing Multi-Agency Use Contracts, that—

(1) Provides the Internet address to access the database;

(2) Requires contracting activities to enter information into the database within ten days of award of a procurement instrument intended for use by multiple agencies; and

(3) Requires contracting activities to enter information into the database by a specific date on all existing contracts and other procurement instruments intended for multiple agency use.

Information about Governmentwide acquisition contracts(GWACs), multi-agency contracts, General ServicesAdministration (GSA), Federal Supply Schedule (FSS) contracts, blanket purchase agreements (BPAs) under FSS contracts, and other procurement instruments intended for multiple agency use will be available via the Internet at *http://www.arnet.gov/gwac/govwide.html.*

Proposed definitions of Governmentwide acquisition contract (GWAC) and multi-agency contract may be found in proposed rule 1999–303, Task-Order and Delivery-Order Contracts, which was published in the **Federal Register** at 66 FR 44518, August 23, 2001.

''Blanket purchase agreements'' under GSA FSS contracts are agreements to fill repetitive needs for supplies or services. In accordance with guidance issued by the GSA Federal Supply Service, BPAs must identify all users when the BPA is established.

While the new subpart is currently proposed for FAR part 5, consideration is being given to alternatively identifying the database in FAR part 7, to indicate its potential use in acquisition planning, with the requirements to populate the database called out in FAR part 4 where other contract reporting requirements are identified. We encourage comments regarding placement of the new language.

Specific data elements that pertain to a particular procurement instrument will be listed on the web site to facilitate order placement. The specific data elements that are currently being considered for inclusion on that list are provided below for the purpose of generating public comments and recommendations that we will use in constructing this database:

Basic Information About the Procurement Instrument

(1) Program name and acronym [searchable].

(2) Procurement instrument number [searchable].

(3) Type of procurement instrument [with drop down box that includes Governmentwide acquisition contract (GWAC), multi-agency contract, FSS contract, BPA under FSS contract, other].

(4) Contractor.

(5) North American Industrial Classification (NAICS) code[searchable].

(6) Federal supply or service code [searchable].

(7) Brief description of supplies and services[searchable].

(8) Applicable socio-economic information [with a drop down box and instruction to ''check all that apply'' followed by Small Business, Emerging Small Business, Small Disadvantaged Business, 8(a), Very Small Business, Woman-Owned Small Business, HUBZone, Veteran-Owned Small Business,Service-Disabled Veteran-Owned Small Business, HistoricallyBlack Colleges and Universities, Minority Institution, LargeBusiness, Other].

(9) Government web site address where contract or program information is located (if available).

Basic Information on Placing Orders

(10) Agencies that may place orders.

(11) Date through which agencies may place orders.

(12) Statutory authority for placing orders [with a drop down box to include—

(a) Clinger-Cohen GWAC authority;

(b) Economy Act, including Clinger-Cohen multi-agency contract authority;

(c) Other statutory authority not subject to the Economy Act (specify authority)].

(13) Ordering procedures, unless included at the web site in (9) above.

(14) List of administrative fees.

Other Basic Information

(15) Agency or activity that awarded the procurement instrument [searchable].

(16) Activity point of contact/telephone number/e-mail address.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of ExecutiveOrder 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 Council does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory FlexibilityAct, 5 U.S.C. 601, *et seq.* The establishment of an online database as

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List of Subjects in 48 CFR Part 5

Government procurement.

Dated: February 12, 2002.

Al Matera,

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Therefore, DoD, GSA, and NASA propose amending 48 CFR part 5 as set forth below:

PART 5—PUBLICIZING CONTRACT ACTIONS

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(c) The contracting activity must enter, via the Internet, the information specified at *http://www.arnet.gov/gwac/govwide.html,* in accordance with the instructions on that web site, for all existing contracts and other procurement instruments intended for use by multiple agencies by [*date to be determined*].

[FR Doc. 02–3786 Filed 2–14–02; 8:45 am]

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AGRICULTURE DEPARTMENT

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Rural development:

Distance Learning and Telemedicine Loan and Grant Program; comments due by 2-22-02; published 1-23-02 [FR 02-01538]

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LIST OF PUBLIC LAWS

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The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/nara005.html*. Some laws may not yet be available.

H.R. 700/P.L. 107–141

Asian Elephant Conservation Reauthorization Act of 2002 (Feb. 12, 2002; 116 Stat. 13)

H.R. 1937/P.L. 107–142

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